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## Background Paper No. 1

# Government in Hamilton–Wentworth

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The Regional Chairman's Task Force on  
Sustainable Development

by

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The Regional Municipality of Hamilton-Wentworth  
Planning and Development Department  
Regional Planning Branch  
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## 1.0 Introduction

Modern local government in southern Ontario is the result of a process of evolution that has been in effect since the earliest settlers arrived in the 1780s. For the most part it is the end product of a refining of early nineteenth-century British governmental tradition, combined with distinctly North American solutions to the problems of governing vast tracts of undeveloped and underpopulated land. This evolutionary process has taken place in a context of similarly evolving economic, social and political systems, so that the results are uniquely Canadian institutions.

One asset that Canada has always had is to be able to closely observe what is happening in the United States, which, with its tendency towards innovation and acknowledged leadership of the "North American" culture and lifestyle, is usually the first to experience the consequences of taking that culture to its ultimate conclusion. The tremendous boom following the Second World War which resulted in almost uncontrolled urban growth, suburban sprawl, and the decline of the "inner city" in many American urban centres, gave cause for concern in Canada, where similar situations were developing by 1960. The result in Ontario was the introduction of Regional structures and governments, in order to control the development and expansion of large urban centres and to prevent the competition for resources and tax revenues, and the infrastructure breakdown, that was becoming much too common elsewhere.

## 2.0 The History of Local Government in Hamilton-Wentworth

Local and municipal government in Ontario developed in parallel with the evolution of responsible and democratic government at the senior level. When the Loyalists began arriving in the early 1780s, they found an unpopulated wilderness with French civil law, seigneurial land tenure and a government centred in distant Quebec City. There were no local institutions, only a rudimentary governing body called the Court of Quarter Sessions administered from Quebec. Given the Loyalist's strong attachment to British parliamentary tradition and common law, it is not surprising that their dissatisfaction was soon made known. By 1785 a few magistrates were commissioned to serve the new settlements, with limited jurisdiction to provide local civil services. In 1788 what is now Southern Ontario was separated from the District of Montreal and divided into four districts: Lunenburg, Mecklenburg, Hesse and Nassau (soon renamed Home). In each district was appointed a judge, justices of the peace or magistrates, a sheriff, court clerk and coroner. The magistrates held the most local power, such jurisdiction including, for example, all local finances, road building, construction and operation of jails and court houses, the regulation of customs and the sale of liquor licences. They also appointed all local officials. This development was an attempt to respond to the concerns of the settlers through administrative decentralization. The number of appointed positions led to numerous instances of favouritism, patronage and nepotism, with most offices going to a limited group of settlers who came to be known as "The Family Compact".

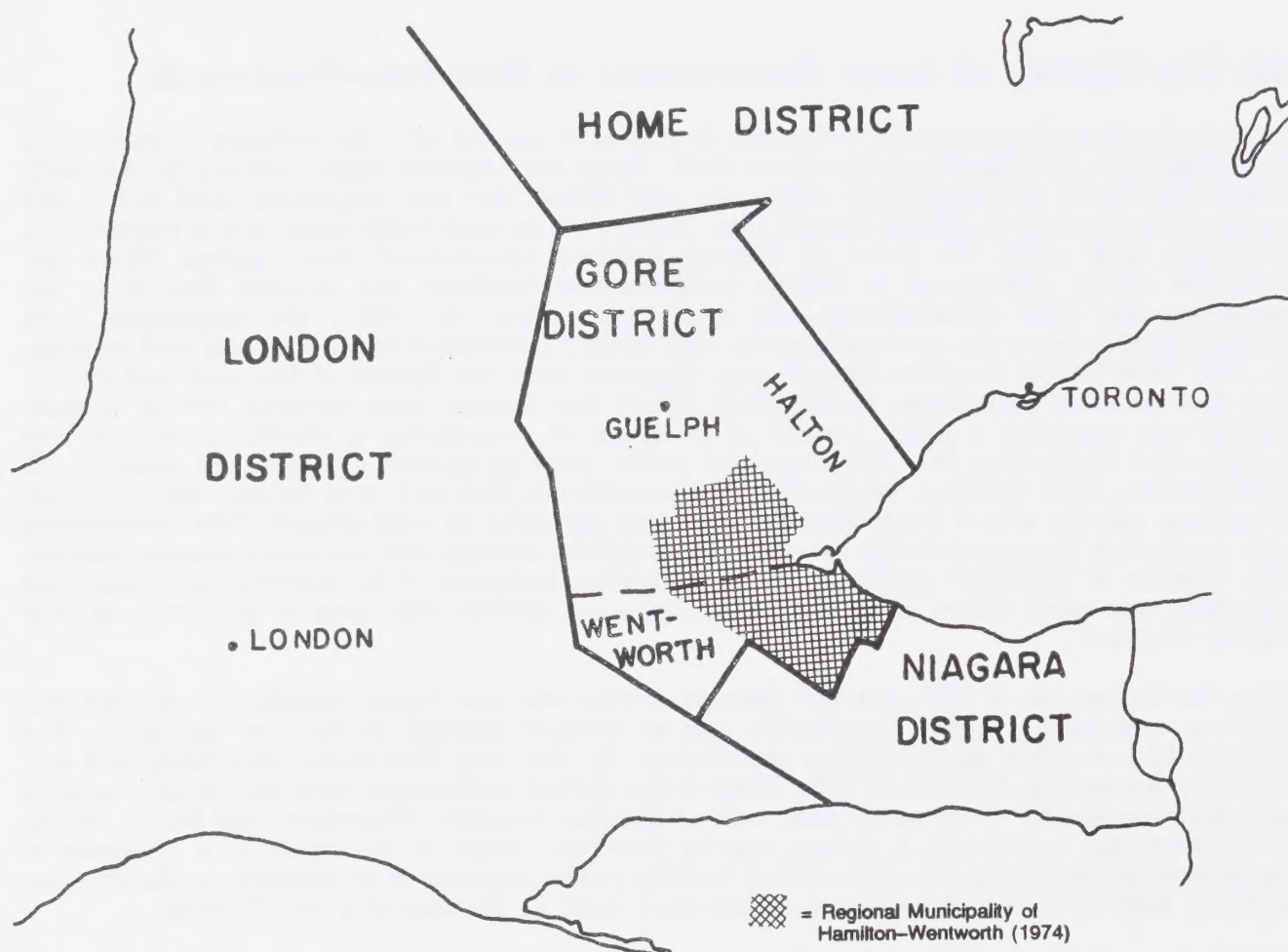
After the Quebec Act of 1791, the four districts of what was now Upper Canada were divided into nineteen counties for militia organization and as electoral districts in the new legislature. The counties had no other administrative significance. By this time Townships were being laid out, including Barton and Saltfleet in 1793. Many of the earliest settlements were the result of settlers concentrating around water power sites such as Dundas, Ancaster, Waterdown and Mount Albion, or locating near a portage. A unique case is Hamilton, which is the result of a syndicate of landowners attempting to use offers of free land for public purposes as an incentive to the Province to select their town (which consisted of lines on a map) as the seat of a new District.

The Parish and Town Officers Act of 1793 granted permission for the residents of any "parish, town or place" to elect annually by public meeting a small number of officials, such as overseers of highways, fence viewers, assessors, pound keepers, wardens and a clerk. These meetings could only be called by agreement of two magistrates however, and the elected officials were responsible



to the magistrates, not the citizens who voted. There was still no local government responsible to the people of the region. The earliest established local government units in the area were those of the townships. In 1801 the District of Niagara was created out of the Home District, including Barton, Saltfleet, Ancaster, Binbrook and Glanford Townships, and the area easterly to the Niagara River. Beverly and the two Flamboroughs remained in the Home District.

By 1810 a decision to create an additional district was being contemplated in reaction to complaints by citizens at the Head-of-the-Lake of the awkwardness of doing business with officials, courts and registry offices a few days travel away in York (Home District seat) or Newark (Niagara District). Rivalry between the local communities competing to become the new district seat was intense, with Ancaster, Coote's Paradise (Dundas), Brant's Block (Burlington), Crooks' Hollow and Durand's Farm all putting in bids. A decision was delayed by the outbreak of war in 1812, so it was not until 1816 that the legislature could again turn its attention to local government reform. The new Gore District created from parts of the Home and Niagara Districts included the new counties of Wentworth and Halton, and a few surrounding townships, as shown on Map 1. By this time Durand's Farm had been bought by George Hamilton and his new village of Hamilton was chosen as the district town, apparently due in large part to his offer of land for the district buildings.



Map 1 District of Gore 1816-1849



Local authorities were concerned mainly with the administration of justice and roads. The magistrates decided where roads should go, dividing each district into sections and assigning overseers elected at the township meetings to each area. The overseers then summoned those required by law to work on the roads and superintended construction. Some roads like Dundas Street (Highway 5) were constructed by the province because of military significance. Local roads were slower to develop.

By 1833 Hamilton had a population of 1,400 and was the commercial and social centre of the area. Community leaders petitioned for and were granted authority to have Hamilton incorporated as a town, with the right to some local control over its affairs. The provincial legislature established a local government structure called a Board of Police. It consisted of one alderman elected from each of four wards, who then chose a fifth member to be President of the Board. The property requirements for candidates was rather high, limiting the eligibility to about 25% of the population. This board could pass by-laws, appoint officials, issue licences, arrange fire protection, take measures to protect the health and welfare of its citizens and ensure the maintenance of streets and roads, assess taxes and provide a market. It also appointed some officials and granted contracts. In 1835 Dundas received permission to hold separate town meetings.

The 1837 Rebellions and the report of Lord Durham on the causes led to a major revision of government in Upper and Lower Canada. Durham recommended the establishment of strong municipal institutions based on the principle of local self-government. The Act of Union of 1841 created Canada East and Canada West, and in the same year the District Councils Act transferred most of the power of the old Court of Quarter Sessions to elected councils in each of the districts. The freeholders in each township were entitled to elect one councillor to the district council. These elected members held office for three years, with one third retiring annually. As a corporate body, the council was able to sue, hold property, enter into contracts, levy taxes, oversee schools and charities, and administer the functions of justice. The local autonomy was restricted, however, by the power of the central government to appoint the warden, treasurer and district clerk, and to dissolve the council or disallow any by-law within thirty days of its enactment. Though limited, the practice of local democracy permitted under the District Councils Act gave invaluable experience that would be put to good use eight years later when more thorough reforms would be enacted.

By 1846 Hamilton had achieved a population of 7,000, a 500% increase since 1833. Following the lead of Toronto and Kingston, Hamilton was incorporated as a city in that year, with a mayor chosen by the ten aldermen elected from five wards (the mayor was not elected directly until 1876). Requirements for voters included a twelve month residency; two years residency for candidates. Thereafter, Hamilton was a separate entity within the district, with new powers including the right to enter into contracts, such as the franchise to a gas company in 1849. The next year Dundas was granted town status, while the unincorporated villages of Waterdown and Stoney Creek were empowered to erect lock-ups and elect councillors for local purposes. By the 1850s local government institutions reflected the identities of most of the lakehead communities. Social and economic interaction had also created a wider community in the area.

In 1849 the basis for most current day municipal government institutions in Ontario came about with the passage of The Municipal Corporations Act, commonly called the Baldwin Act. The township now became the basic unit of local government. The townships, towns and villages were the lower tier in a new two-tiered system. The county, formerly just an electoral division, became the upper tier, and the districts were abolished. Each municipality elected reeves and deputy reeves, who then formed the county council under a warden selected by the members. The City of Hamilton was not part of this two-tiered system; its incorporation had given it powers that in the rural area were divided between the county and the constituent municipalities. The city was completely independent of the county structure, though there was co-operation from the very beginning.



For a short time county organization was further adjusted in the area. In 1851 a new Brant County was created and joined to form the United Counties of Wentworth, Halton and Brant, the last trace of the old District of Gore. This arrangement was short lived, as Brant was separated in 1852, and Halton in 1853. One of the first acts of the new county government (January 1850) was the creation of the Village of Ancaster. Apart from the emergence of Stoney Creek as an independent municipality after 1930, the structure of Wentworth County would remain the same until 1974.

Public boards and commissions began to appear about this time, usually in response to the problems of unserved urban life. Cholera epidemics led to the appearance of temporary Boards of Health in 1832, and again in 1847. The epidemics and new scientific evidence blaming the disease on contaminated water (not surprising, due to the unhealthy proximity of wells and privies in back yards) led to the waterworks and sewer projects of the 1850s, directed by a Board of Waterworks. Unfortunately, these boards could issue debentures and spend money with little control from the city, which was then responsible for the debt. The heavy commitment to buying stock in railways radiating from Hamilton, very generous tax concessions granted to attract new business, and the huge costs associated with the new waterworks project left the local government chronically short of funds, culminating in a brief experience with bankruptcy during the Panic of 1857-59. Despite this drawback, the single purpose body, as these boards were termed, came to be used more and more often. Among the city boards with power to draw funds from the local tax base were the Library Board (1882), the Parks Board (1883), and a permanent Board of Health (1884). Other institutions that were politically independent of council but with access to the tax base were the Children's Aid Society (1894), juvenile courts (1910), sanitary inspectors (1911), suburban roads commission (1915) and welfare commission (1935).

Although municipal government organization remained relatively unchanged after the Baldwin Act, the Province decided in the late nineteenth century to take a greater interest in the overseeing of the affairs of those local governments. Municipal statistics began to be collected in 1881 by the Bureau of Industries. By 1897 a number of municipal fiscal catastrophes had brought about the creation of the office of Provincial Municipal Auditor to supervise local bookkeeping. Disputes between towns and utilities led to the creation of the Ontario Railway and Municipal Board in 1906. All of the provincial supervisory bodies were brought together under a new Bureau of Municipal Affairs in 1910.

Numerous defaults by municipalities during the Great Depression led to the establishment of a much more powerful Ontario Municipal Board, which was given authority over all capital expenditures and permanent legislation passed by local councils. Shortly afterward the Department (now Ministry) of Municipal Affairs was formed with final responsibility for administering all government legislation that affected municipalities and improving the conduct and administration of municipal affairs.

One of the recurring problems with the county government structure was the matter of representation on the council. With each town or township having two members in the persons of the local reeve and deputy reeve, the growing differential in population and taxation contribution was creating inequalities in representation. An 1896 reform attempted to remedy this inequity by having the county council elected directly and separately from the township councils, with representation based on population, assessment and acreage. Though sound in principle, this method led to local dissatisfaction as the Reeves now had little power, and some of the smaller municipalities had no resident representative on the county council. In 1907 the old system was re-established, with the modification of having each reeve represent no less than 1000 voters. By 1900 all mayors, Reeves and deputy Reeves in Wentworth were elected positions.

The growth of industry and the development of the electrical, gas and telephone utilities brought about additional changes in local government, such as publicly owned utilities with appointed boards. Government processes were streamlined, with the special purpose bodies mentioned earlier and the establishment of separately elected Boards of Control to supervise finances in 1910. While



municipalities were no longer allowed to purchase stock, business was encouraged by the offers of bonuses, low cost or free land and tax concessions. For example, in 1895 the Hamilton Blast Furnace Company received seventy-five acres on the bay (annexed especially for the purpose), \$75,000 and tax rebates. It was one of the firms which merged to form STELCO in 1910. Also receiving bonuses in 1895 were the Toronto, Hamilton & Buffalo Railway and the Hamilton, Grimsby and Beamsville Electric Railway, on the basis that they would act as transporters of people and goods to the area's benefit. The four electric railways in operation between 1895 and 1931 tied Hamilton, Dundas, Ancaster, Stoney Creek and Burlington together to a greater degree than ever before, and established the smaller communities permanently as suburbs of Hamilton.

While the new electric railways were making travel much easier, attempts were also being made to improve the roads in the area. Starting in 1891, the townships began to purchase outright the toll roads, in which they often held an interest, and rebuilt them as free roads. In 1901 the county received authority to designate county roads, so by 1904 a uniform system of free roads was in use. Unfortunately, the traffic grew to such an extent that the lightly built macadamized surfaces soon deteriorated, but concrete and asphalt was too expensive for the rural townships. The fact that much of the road usage was due to traffic in and out of Hamilton led to the creation of the Hamilton-Wentworth Suburban Roads Commission in 1918, so that Hamilton had to make contributions to the upkeep of roads in its immediate area. Commissioners were appointed equally by the county and city, with costs paid by the city, county and province.

City and County co-operation continued, both officially and un-officially. The Hamilton Board of Parks Management, established in 1900, designed and operated Chedoke Golf Course and Winter Park, King's Forest Park and Confederation Park before the city actually annexed the properties. In the 1920s combined efforts led to the reforestation of the escarpment between Chedoke Falls and Albion Falls, while the Royal Botanical Gardens were the result of a joint effort to employ Depression victims in rehabilitating an abandoned quarry and marshland. The city had for a long time owned property outside its limits, such as the waterworks site, the east-end airport, and the Red Hill Creek Valley. The County Health Unit and city Board of Health were merged in 1968, while library services had frequently worked in co-operation.

The Hamilton-Wentworth Planning Area Board was formed in 1949 to come to grips with the growing problems of suburbanization. Post war growth was causing a situation where the old relationship between city and county was obviously inefficient, and the old concept of rural and urban places as autonomous and independent entities had to be re-evaluated. Annexations were used by Hamilton to try and control peripheral development, but this was not completely satisfactory. A more efficient and comprehensive system was required, one which removed the internal barriers and made better use of the resources of the region as a whole.

### **3.0 The Origin of Regional Government**

By 1950 there was a growing concern over the problems developing in the Toronto area as a result of post-war growth. The city had been expanding and absorbing smaller communities since the 1860s, but the phenomenon of suburban sprawl, in which huge areas of rural land were suddenly urbanized with strains on services, transportation and local government co-operation, was a new challenge. Small towns and villages were forced to supply full urban services to vast tracts of housing without the financial resources or infrastructure, while the city was forced to cope with traffic congestion and loss of taxpayers. This "flight from the cities" was causing major problems in the United States which were beginning to be seen in Toronto.

The government structure in Ontario allowed a solution. With local municipalities directly responsible to the provincial government, the Province could adjust or remodel the system to suit the situation, in contrast to much of the American system where local governments are frequently almost autonomous. The situation in Toronto was resolved by the establishment in 1953 of a



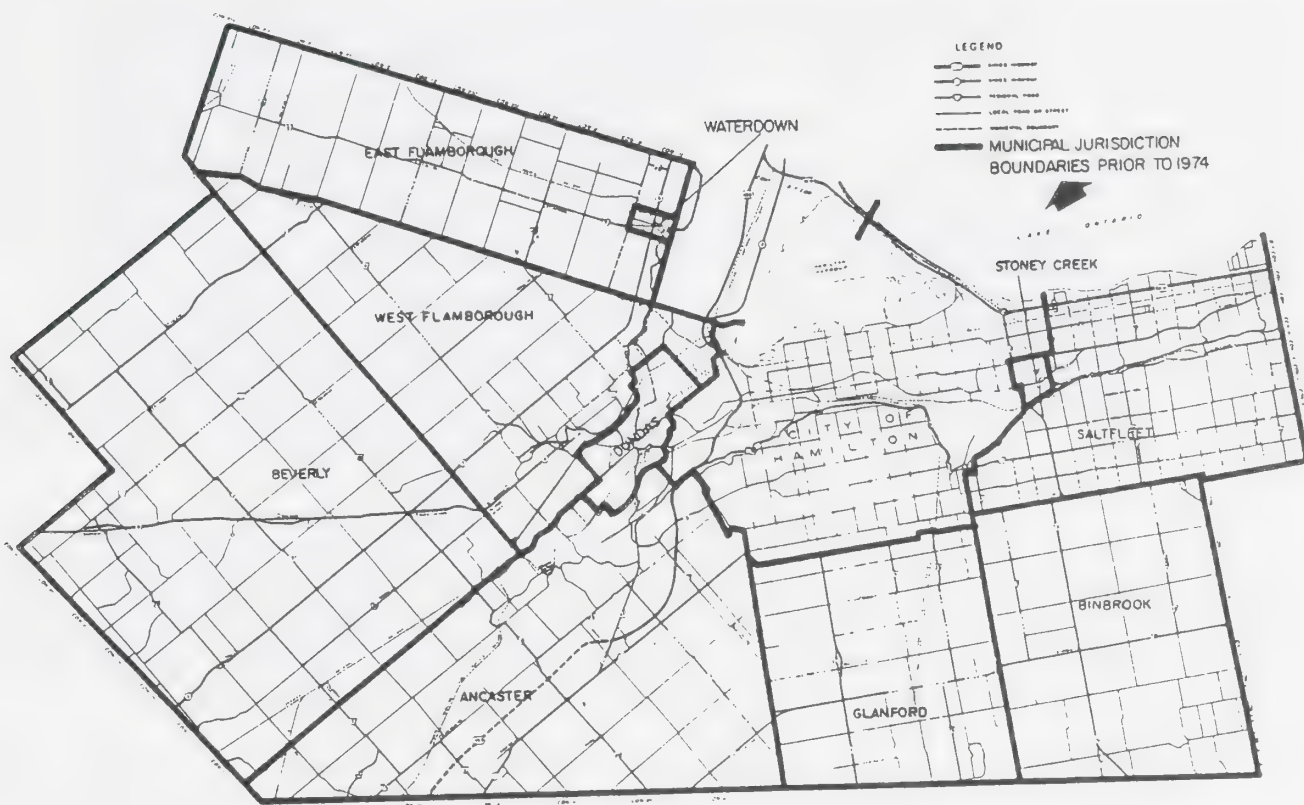
"Metropolitan" form of government. This new level of government would take over all functions of general concern in what had been the County of York and City of Toronto, while the multitude of constituent municipal bodies were reorganized into one city and five boroughs, which would look after purely local matters. In addition, a larger planning area was established to forestall problems in the future when "Metro" reached out into the surrounding areas. Because there were two levels of government below the province, it was known as a "two-tier" system, and was largely an urban oriented refinement of the old county-township system.

Metropolitan Toronto became the model when the problems of urban growth began to seriously affect other parts of the province by the late 1960s. Studies showed that a number of areas were candidates for a metropolitan government system, including Hamilton, Ottawa, Sudbury, Niagara and the rapidly urbanizing districts surrounding Metro Toronto. It was felt, though, that rather than simply form larger urban structures, some effort should be made to incorporate the rural hinterlands into the system as well, for their protection and orderly development. For this reason, the term "Regional Municipality" was adopted in place of "Metropolitan", since the new government bodies would encompass a specific region of varied land uses. By 1972 regional governments were in place in Ottawa-Carleton and Niagara.

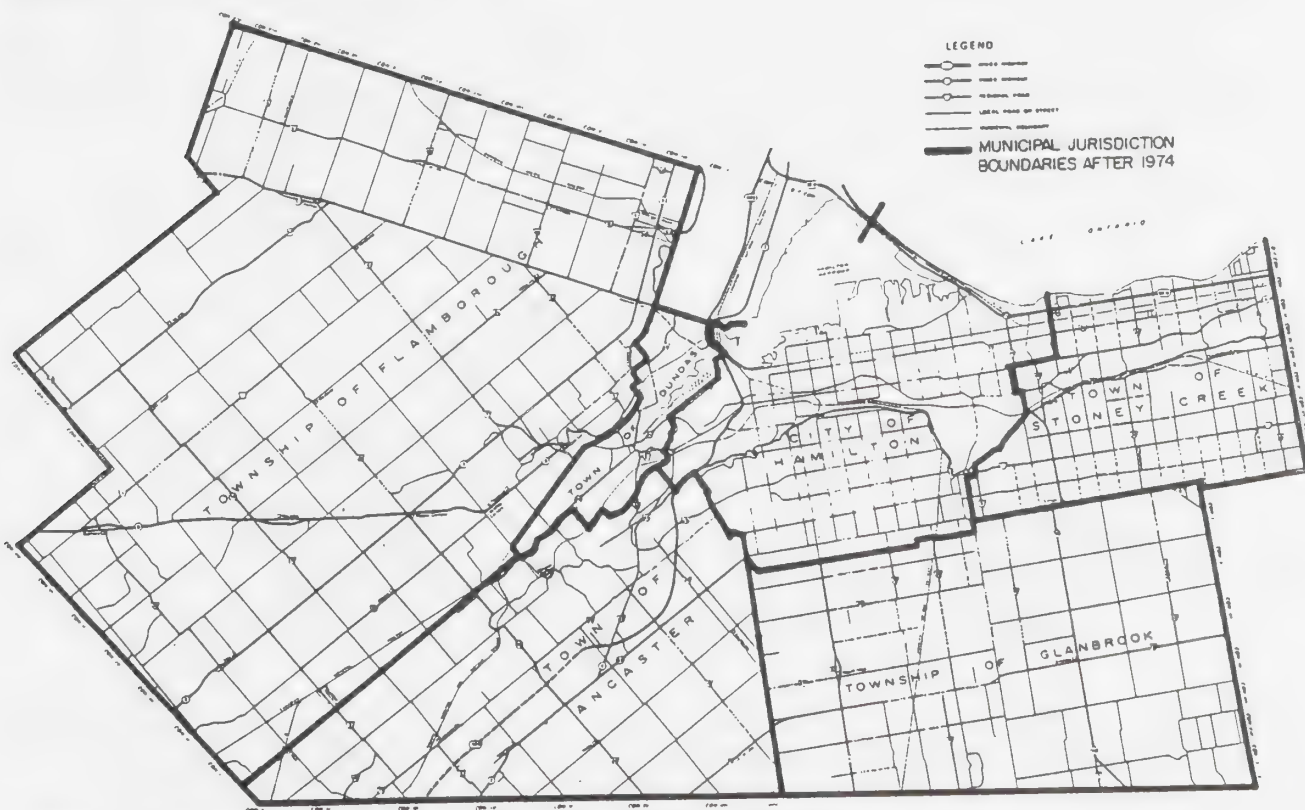
Hamilton and Wentworth County in 1967 had the same problems as Toronto a decade earlier. Annexations from 1949 to 1957 had doubled the city's size, absorbing all of Barton Township and bringing the city into contact with surrounding municipalities, which reduced the possibility of further expansion. Between 1951 and 1966 Hamilton's population had grown 35%, but the bordering municipalities had grown by 150%, gaining an equal number of persons. Burlington had grown enough to annex Aldershot from East Flamborough in 1957. Thousands worked at Hamilton jobs, used Hamilton streets and services, but lived and paid taxes elsewhere. These people had the advantage of service without paying their full share of the costs. A single economic unit was formed by the communities at the Head of the Lake, and it was obvious that a government system recognizing this fact was becoming critically necessary, with a greater integration than was possible under the existing county system. A metropolitan municipality incorporating Hamilton, Wentworth County, Burlington and Grimsby was proposed by the Steele Commission in 1969. In 1972 a study by Wentworth County recommended a larger entity including Caledonia and part of Brant County, almost a re-creation of the old District of Gore. Hamilton recommended a single tier structure similar to Winnipeg, while the smaller communities asked to retain the county two-tier system. After considerable debate and negotiations, Burlington, Caledonia and Grimsby became part of other regions, and Bill 155, An Act to Establish the Regional Municipality of Hamilton-Wentworth received Royal Assent in June 1973.

## **4.0 The Regional Municipality of Hamilton-Wentworth Act**

The Act came into effect on January 1, 1974, establishing the Regional Municipality of Hamilton-Wentworth. The number of local authorities was reduced from eleven to six, as shown on Maps 2 and 3. The County of Wentworth was dissolved and its assets and powers assumed by the Region, along with additional powers and responsibilities as laid down in the Act. Physical changes in the Region were straightforward. Hamilton's boundaries were unchanged, except for a minuscule sliver annexed from West Flamborough at the Valley Inn Road. Dundas acquired small parts of Ancaster and West Flamborough. Stoney Creek became a town and absorbed Saltfleet Township. A new Flamborough Township was produced from the village of Waterdown, East and West Flamborough and Beverly Townships (except the north-west corner of Beverly which went to the new Region of Waterloo). Binbrook and Glanford Townships merged to become Glanbrook Township, and Ancaster Township became a Town. Absorbed into the respective towns and townships were the Police Villages of Ancaster, Freeleton and Lynden. The relative areas, 1971 populations and 1990 populations are shown in Figures 1, 2 and 3.



Map 2 County of Wentworth 1973



Map 3 Regional Municipality of Hamilton-Wentworth 1974



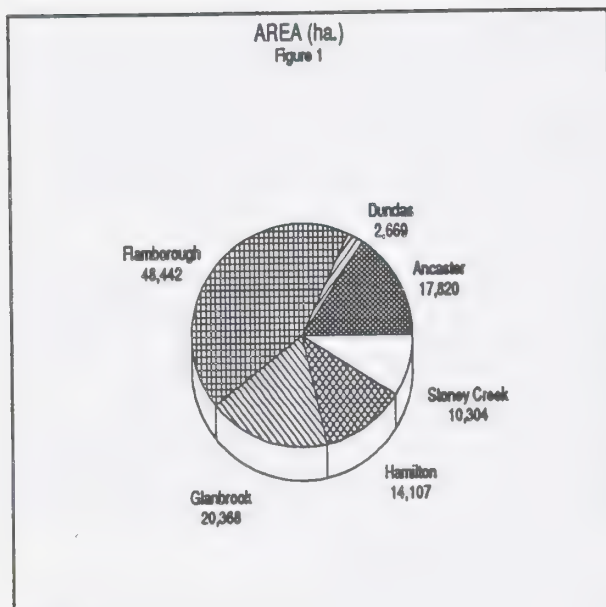


Figure 1

The major changes to the old system were in the areas of administration and responsibility. The Act gave the Region broad powers over areas considered to be of Regional concern, and specifically removed those areas of responsibility from the local municipalities. This would prevent conflict between municipalities over matters that were of general concern to all inhabitants. The division of responsibilities is described later.

The Act is divided into twelve parts, covering all aspects of government and administration. These parts are described briefly, as they exist in the latest amendments (RSO 1980, Chp. 437; 1982, Chp. 26, § 72-80; 1982, Chp. 49, § 10,11; 1983, Chp. 5, § 9; 1983, Chp. 13).

**Part I** Defines the local municipalities, their form of government and composition of the local council, and their right to adjust their local council. It also provides for a change in status of a local municipality, such as Stoney Creek's elevation to city status, and Flamborough's elevation to a town.

**Part II** Defines the Regional corporation as a municipality and judicial district, and establishes its administrative structure and the composition of its council. Council would consist of a Chairman and twenty-seven members from the area municipalities. The chairman, in a throwback to the days of the Baldwin Act, was to be elected by regional council from within or without its ranks. However, until 1980 the chairman was appointed by the Lieutenant Governor in Council (Provincial Cabinet), and since 1988, directly elected by the populace. The council is empowered to pass by-laws; appoint a Chief Administrative Officer, a Clerk, a Treasurer, and other officers as necessary to fulfil

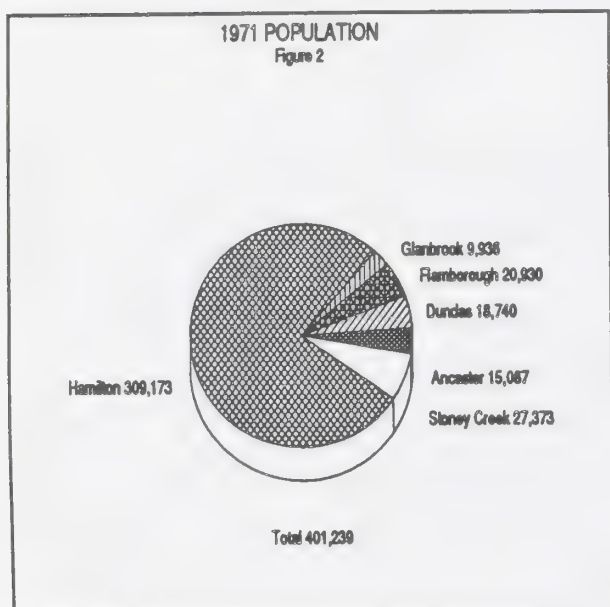


Figure 2

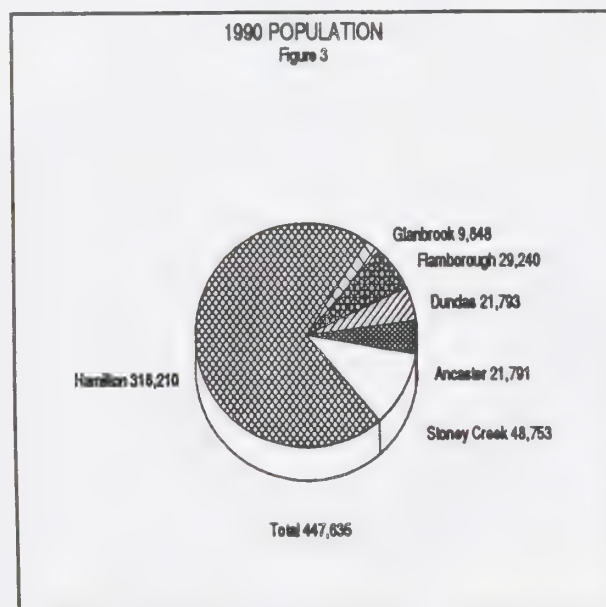


Figure 3



the requirements of the Municipal Act. Committees may be struck as required to perform the tasks of government. The structure of Regional Government will be discussed later in this paper.

**Part III** Defines the Regional Road system and the responsibilities of operation. The Region assumed all county roads and the roads under the jurisdiction of the Hamilton-Wentworth Suburban Roads Commission. The Region may designate any road as a regional road with the approval of the area municipality, and may assume any part of a provincial highway within its boundary with approval from the Ministry of Transportation. Areas of responsibility are laid out; for example, sidewalks remain the responsibility of the area municipality, which may construct such works on a regional road at its own expense and with the permission of regional council, or pay for sidewalks built during the construction of a regional road. Regional council also has control over all traffic regulation legislation, including that passed by area municipalities.

**Part IV** Defines the regional public transportation system. It authorized the Region to dissolve the Hamilton Transit Commission, to acquire complete ownership of the Hamilton Street Railway and Canada Coach Lines, and to establish and operate exclusively the public transit services within the Urban Transit Service Area described by the Ministry of Transportation. It allows Regional Council to establish an Urban Transit Area in which general levies may be used to offset any deficit in operations, and outside the Urban Transit Area the service may be provided on a cost recovery basis from the area municipality. The Urban Transit Area presently consists of the City of Hamilton.

**Part V** Defines electrical service areas and establishes hydro-electric commissions for Ancaster, Dundas, Stoney Creek and Flamborough, and provides for a future hydro-electric commission in Glanbrook.

**Part VI** Requires the Region to enact, and maintain, an Official Plan for the Region.

**Part VII** Establishes the Region as the responsible agency for health and welfare services throughout the region. It created the Hamilton-Wentworth Regional Board of Health from the old county and city health unit, which has now been incorporated into the administrative system as the Department of Health Services. All municipal functions in relation to hospital services are assumed by the Region, including appointments to the boards of public hospitals. The Region assumes responsibility for all welfare concerns, including homes for the aged and child welfare cases.

**Part VIII** Establishes the Hamilton-Wentworth Regional Police Force, by merging the Dundas, Stoney Creek and Hamilton Police Departments, and establishes the authority and composition of the Hamilton-Wentworth Regional Board of Commissioners of Police.

**Part IX** Establishes the Regional Waterworks System. The Region assumes all water procurement, purification, pumping and distribution systems of all area municipalities, with sole authority to provide municipal water services.

**Part X** Establishes the Regional Sewage Works. The Region assumes all sewage collection, pumping and treatment systems of all area municipalities, with the exception of storm drainage systems, which remain a local responsibility. Provision is made for the assumption or undertaking of storm drainage systems as Regional Council deems necessary.

**Part XII** Defines the financial structure and operations of the Region, including taxation, collection of fees, debt and financing. The Region does not tax the citizens directly but imposes a levy on each area municipality, which then charges its citizens an equal amount on their municipal tax bill.

**Part XII** General matters, including relations with other boards and commissions. The Region may provide grants to non-government agencies and groups. This part also includes the provisions under which the Region is solely responsible for the disposal of solid waste, while collection remains a local responsibility.

## 5.0 Provincial Authority

The Regional Municipality of Hamilton–Wentworth, like every other municipality in Ontario, is responsible in its operations to the provincial government primarily through the Ministry of Municipal Affairs. All administrative, financial and legislative functions exercised by the Region must conform to the policies and procedures laid down by the Ministry. The primary legislation governing municipal operations is the Municipal Act. There is other legislation and policy applicable to specific areas of municipal jurisdiction that comes under the authority of other provincial ministries. Such legislation includes the Planning Act, the Environmental Protection Act, the Environmental Assessment Act, the Conservation Authorities Act, the General Welfare Assistance Act, the Health Protection and Promotion Act, the Ontario Building Code Act, the Foodland Guidelines Policy, and the Affordable Housing Policy.

The **Municipal Act** governs all aspects of municipal government. It is essentially a manual on how to run a municipality. The Act covers such topics as taxes, councils, by-laws, property acquisition and sale, corporation officers and responsibilities, and finances.

The Ministry of Municipal Affairs and its judicial arm, the Ontario Municipal Board, developed as a result of problems that appeared in municipalities in the past. The system now ensures that most actions taken by a municipality are reviewed by a senior level of government, and in many cases, must be approved by that senior reviewing level. In this way any conflicts with other municipal legislation, conflicts with provincial legislation, and actions not in the public interest are discovered before problems can develop. In most cases the approving authority lies with the Ministry of Municipal Affairs itself, but the Ministry retains the power to delegate this authority to another body. No municipal body, however, can pass legislation affecting itself without approval by a senior body.

There are a number of other provincial agencies and policies with which the Region must interact. The **Niagara Escarpment Commission (NEC)** was established to deal with the effect of development along the Escarpment between Niagara and Georgian Bay. All development proposals within the NEC jurisdiction must receive their approval. The Region is required to observe and uphold NEC policies.

The **Parkway Belt West Plan (PBW)** is an attempt to establish a "Green Belt" around the western part of the Greater Toronto Area. Most of the area surrounding Cootes Paradise, including the eastern third of Dundas, is in the PBW area, though there are plans to place most of this area under the authority of the Niagara Escarpment Commission. Again, the Region is held responsible for ensuring that any development proposals meet the requirements of the PBW Plan.

## 6.0 Division of Municipal Responsibility

The division of responsibility between the Region and the area municipalities is based on the principle of exclusion. That is, if the Region does not have exclusive responsibility, then the area municipality may take action in that field. For example, no area municipality may institute a police department because the Region has exclusive control over police matters in accordance



with Part VIII of the Hamilton-Wentworth Act. On the other hand, any area municipality may form a fire department because the Region does not have exclusive control over fire protection, though it does have the power to appoint a Regional Fire Co-ordinator.

The area municipalities may ask the Region to assume any area of local jurisdiction, usually on a service at cost basis. As an example, the Region assumed all responsibility for engineering, planning and storm sewers in Hamilton, even though the city has the right to operate its own departments in those areas. As well, Hamilton sold Confederation Park to the Region, which then contracted with the Hamilton Region Conservation Authority to operate it. The Region may also arrange for Regional responsibilities to be carried out by an area municipality. The Hamilton Traffic Department performs most of the Region's traffic-related duties under contract. Likewise, Hamilton and Stoney Creek have been contracted to maintain Regional Roads inside their boundaries, and Hamilton handles the Region's purchasing requirements.

The following table summarizes the division of responsibilities:

**Table I Division of Responsibility**

The Region has exclusive responsibility for:

Policing	Sewage collection and treatment
Public health	Water treatment and distribution
Solid waste disposal	Social and Welfare services
Public Transit	Regional Official Plan
Regional roads	Water and sewer billing
Emergency measures	Traffic by-law review
Airport operations	Transportation planning
Issuing debentures	Economic Development

Area Municipalities have responsibility for:

Fire protection	Solid waste collection
Local engineering	Local roads and Public Works
Storm sewers	Building inspection
Culture & recreation	Local Official Plan
Local planning	By-law enforcement
Traffic	Parks and cemeteries

## 7.0 Structure and Functions of Regional Government

The government of the Regional Municipality of Hamilton-Wentworth operationally has two major areas: executive (political) and administrative. Figure 4 shows the executive organization of the Region. It consists of Regional Council and the Chairman, Committees and sub-committees, and special bodies. The composition, powers and responsibilities of each is laid down by the Hamilton-Wentworth Act.

### 7.1 Regional Council

Council consists of the Chairman and twenty-seven councillors. The Chairman is elected from the region at large. The Mayor of each area municipality is automatically a regional councillor, as are all sixteen aldermen from Hamilton. Each of the other municipalities elects one additional councillor on an area wide basis. The composition of council is shown in Table II.



FIGURE 4

# Executive Organization of Hamilton-Wentworth

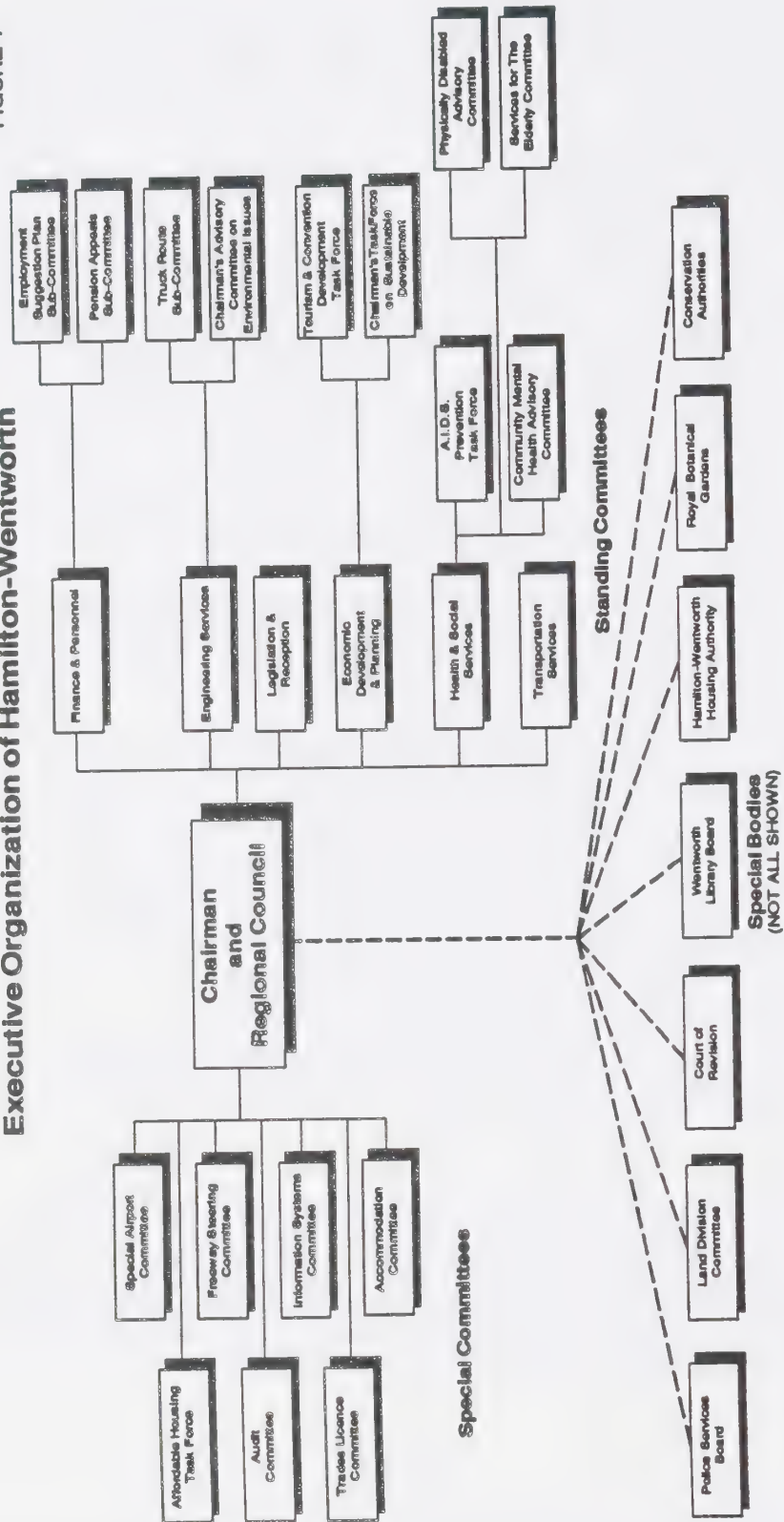


Figure 4

**Table II Composition of Regional Council**

Area Municipality	Council Members			% of Seats on Regional Council	Population 1976	% of Population 1976	Population per Representative 1976	Population 1990	% of Population 1990	Population per Representative 1990
	Mayor	Others	Total							
Ancaster	1	1	2	7.4	14,255	3.5	7,125	21,791	4.9	10,895
Dundas	1	1	2	7.4	19,179	4.7	9,590	21,793	4.9	10,896
Fleming	1	1	2	7.4	23,580	5.8	11,790	29,240	6.5	14,620
Glanbrook	1	1	2	7.4	10,179	2.5	5,090	9,848	2.2	4,925
Hamilton	1	16	17	63.0	312,003	76.2	16,353	316,210	70.6	18,600
Stoney Creek	1	1	2	7.4	30,294	7.4	15,147	48,753	10.9	24,376
Total	6	21	27	100	409,490	100	15,166	447,635	100	16,579

PLUS CHAIRMAN FOR A TOTAL OF 28 MEMBERS.

All councillors serve for a three year term, with all municipal elections in the Region taking place simultaneously. The council was originally established in this form to prevent the urban areas from dominating the council. As the table shows, the growth outside of Hamilton is beginning to reduce the imbalance apparent in 1976.

## 7.2 Regional Chairman

The Chairman is the head of Regional Council and is the chief executive officer of the Regional Corporation. The Chairman presides at Council meetings, may call special meetings, is an official signing officer and is an ex-officio member of all standing committees, but does not vote. The Chairman has a vote at Council meetings only in the event of a tie vote.

As the only official with a Region-wide mandate, the Chairman is expected to voice the concerns of the Region and propose solutions to the Region's problems in any contacts with the public, business and senior levels of government. The Chairman's position is a full-time leadership role in close contact with the political and administrative components of the Regional organization. The position also has an important public relations and ceremonial role, representing the Region at many official functions.

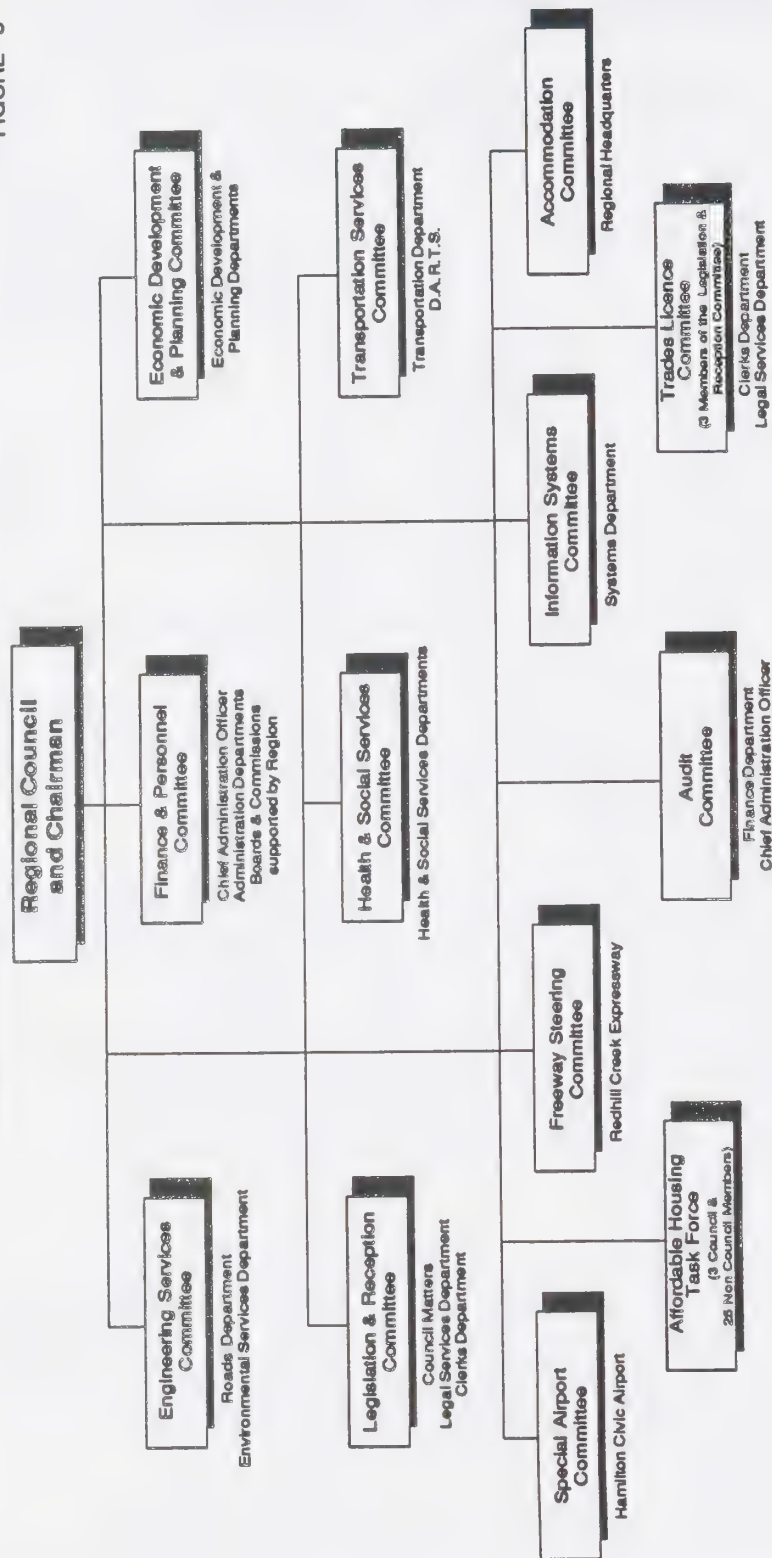
## 7.3 Committees of Council

To facilitate its work Regional Council has established a number of committees of Council. Regional Council has the power under Part II of the Regional Municipality of Hamilton-Wentworth Act to create committees as it sees fit. These committees are the main working bodies in the regional government process. Made up entirely of Regional Councillors, the committees allow the Councillors to gain expertise in specific areas. Staff reports and input from public delegations are considered in detail in committee before a recommendation is passed to Council, where the decision is made. The committees cannot commit Council to corporate action.

The committees are selected at the inaugural meeting of Council, at which time a Chairman and Vice-Chairman for each committee is elected. The Chairman and Vice-Chairman of each committee must be from different municipalities. No Councillor may be on more than three committees, nor may any Councillor hold more than one Chairmanship or Vice-Chairmanship of a standing committee. There are currently six standing committees and seven special committees.

**Regional Government Committee Structure**

**FIGURE 5**



**Figure 5**



## Sub-Committees of Standing Committees

FIGURE 6

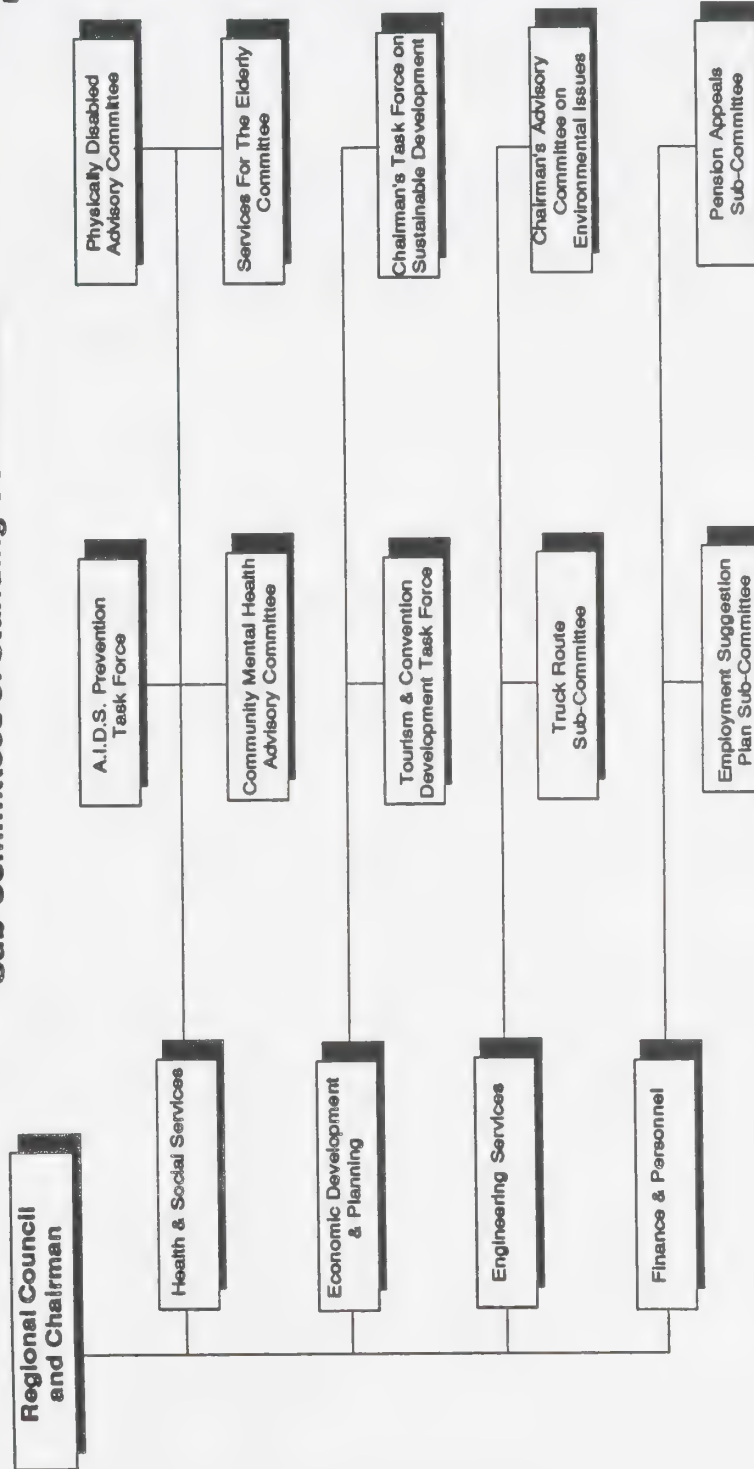


Figure 6

As shown in Figure 5, each standing committee deals with specific subjects, and generally works with just one or two departments. The committee structure is determined by Council, and has been modified since the formation of the Region. For example, the Planning & Development Committee and the Economic Development Committee were merged to form the Economic Development & Planning Committee, and the Social Services Committee assumed the duties of the former Regional Board of Health as the Health & Social Services Committee. The Airport Committee will be dissolved at the end of 1991 and will be replaced by a Board of Management. The special committees may deal with specific or general matters as indicated in their terms of reference. All of the special committee members are Councillors.

There are also ten sub-committees which have been struck to deal with areas of special interest or concern. Each sub-committee reports to a standing committee, which then passes a recommendation to Council for action. A Task Force is a special kind of committee which is set up to study and recommend on a specific subject. It is time limited, and must present reports to Council, or their supervisory committee, according to a timetable or deadline.

The sub-committees and task forces consist of both Councillors and private citizens except those reporting to the Finance & Personnel Committee, which are made up of Councillors alone. The sub-committee structure is shown in Figure 6.

## 8.0 Relations with Other Local Authorities

As mentioned before, there are a number of special purpose bodies involved in the administration of local government services. Some are provincially mandated bodies, while others are local in nature.

The **Hamilton Board of Education**, the **Wentworth County Board of Education** and the **Hamilton-Wentworth Roman Catholic Separate School Board** are autonomous bodies directly elected by the ratepayers and are responsible to the Ministry of Education for the provision of educational services in the area. They are not accountable to local governments, but work in close liason with them because the education levies are collected for the three boards by the municipalities as part of the overall tax bill. This requires joint access to information such as assessment records and school support declarations.

The **Hamilton-Wentworth Police Services Board**, formerly known as the Regional Board of Commissioners of Police, is composed of five members. Three are appointed by the Province, of whom one must be a district or county judge, and the other two are members of Regional Council appointed by Council. The Board makes regulations concerning the management, direction and operation of the Hamilton-Wentworth Regional Police; passes by-laws; and hears disciplinary cases within the Department. It is responsible to the Ontario Police Commission and is governed by the Police Act. The Board prepares its own budget, which cannot be changed by Regional Council without the concurrence of the Ontario Police Commission.

The **Land Division Committee** has eight members, all appointed by Regional Council. The committee decides on all requests for land severance within the region, under the authority of the Planning Act. The committee operates in close liason with the Regional Planning Department, and its budget is included as part of the department's operating budget.

The **Court of Revision** has seven members, all appointed by Regional Council. It operates as a tribunal under the authority of the Local Improvement Act, deciding on appeals of assessments made as part of Local Improvement projects in the area municipalities. Regional Council is responsible for its staffing and operations costs.



The **Wentworth Library Board** directs the operations of the public library services in the Region other than in Hamilton and Dundas, which have their own library boards. Regional Council appoints four members of council to the board, one from each of the four municipalities served. The Region also provides funding, accounting and legal services, and acts as the Board Treasurer.

The **Hamilton-Wentworth Housing Authority** manages Ontario Housing Corporation units in the Region. Regional Council makes two appointments to its board of Directors.

The Conservation Authorities Act created autonomous bodies to plan for and control water resources in the province. Because their boundaries are determined by watersheds, there are four conservation authorities having jurisdiction within the Region. The **Hamilton Region Conservation Authority (HRCA)** covers most of the Region from Stoney Creek to Puslinch. The others are the **Niagara Peninsula Conservation Authority**, the **Halton Region Conservation Authority**, and the **Grand River Conservation Authority**. Regional Council appoints members of each Authority's Board of Administration. These members are nominated by the municipalities, in accordance with Table III.

**Table III Hamilton-Wentworth Appointments to area Conservation Authorities**

	ANCASTER	DUNDAS	FLAMBOROUGH	GLANBROOK	HAMILTON	STONEY CREEK
HRCA	2	2	1	1	9	1
HALTON		1	1			
NPCA	1			2		1
GRCA	1		1			

Three members of the HRCA Board are appointed by the province, and one by the Regional Municipality of Waterloo. About 55% of the HRCA funding comes from the province with the Region providing the balance, approximately \$2.3 million in 1991. The Region recovers this amount from a per capita levy against the municipalities within the HRCA. Similar though much smaller grants are made to the other three authorities in the Region.

The Region appoints six of the twenty-four members of the Board of Directors for the **Royal Botanical Gardens**. Usually three are members of Council and the other three are citizens. The Region also provides funds from the general levy towards the operations of the RBG.

The **Hamilton-Wentworth Children's Aid Society** and the **Catholic Children's Aid Society** receive 20% of their budget from the Region in accordance with provincial legislation, but the Region has no representation on their boards of directors.

Other agencies partially funded by the Region under Culture & Recreation support are the **Disabled and Aged Regional Transportation System (D.A.R.T.S.)**, the **Hamilton Society for the Prevention of Cruelty to Animals**, **McMaster University**, the **Art Gallery of Hamilton** and the **Hamilton Philharmonic Orchestra**. All are funded from the Regional general levy.

## **9.0 Regional Government Departments**

The administrative and operative structure of Regional government is organized into fourteen departments, each responsible to one or more committees of Regional Council, and co-ordinated through the Regional Chief Administrative Officer. Because of the complexity of modern urban problems there is trend towards creating "super departments" which will place functions of common concern under a unified administrative structure. At this time there are reorganizations of some departments in progress which will create units which can better address the complex issues facing the Region today. The first department to receive this treatment is the Engineering Department, which has been divided and added to Transit to create a three department unit under the Commissioner of Transportation & Environment. Figure 7 shows the May 1990 departmental structure.

### **9.1 Chief Administrative Officer**

The CAO is appointed by Council, with duties and responsibilities defined by by-law. The CAO co-ordinates all administrative activities. He is the advisor to the Chairman and Council on all matters of government administration. Any project involving more than one department is co-ordinated by the CAO, who also maintains checks on all other assigned programs. The CAO is the head of the Management Team, consisting of all department heads, and which is the primary co-ordinating body within the administrative structure. Management Team also has sub-committees, such as the Management Team Budget Committee which reviews all budgetary preparation material.

### **9.2 Departmental Responsibilities**

The fourteen departments can be divided into two groups. The Social Services, Health Services, Environmental Services, Roads (including the Freeway), Airport, Transit, Planning & Development and Economic Development Departments provide the "front line" services which are the responsibility of the Region. The Finance, Legal, Systems, Clerk's and Human Resources Departments provide advisory, administrative and support services. The department heads are responsible to the various committees through the CAO.

### **9.3 Advisory, Administrative and Support Services**

#### **Clerk's Department**

The Clerk's Department is headed by the Regional Clerk and is responsible to the Legislation & Reception Committee and to the Finance Committee. The basic functions of the department include the safe keeping of official records, resolutions, by-laws, decisions and proceedings of Council and Standing Committees and acting upon all directives of Council while informing Council of proper procedure. All reports and agendas are processed through this department as well as the organization of official functions for Council and the Chairman. The Clerk's Department operates a Courier Service and a Service Room for copying and mail services. There is also a public information section to assist and supply to all citizens, on request, information relating to Regional actions.

#### **Information Systems Department**

Working under a Director and reporting to the Information Systems Committee the Department provides information and computer support services for the Region and City of Hamilton. The Department develops long-term plans and strategy for future computer services, and administers systems development.

#### **Human Resources Centre**

The Centre provides all personnel services for the Region and City of Hamilton. The Commissioner reports to the Finance & Personnel Committee. The Centre co-ordinates internal and external

## Regional Government Departments

FIGURE 7

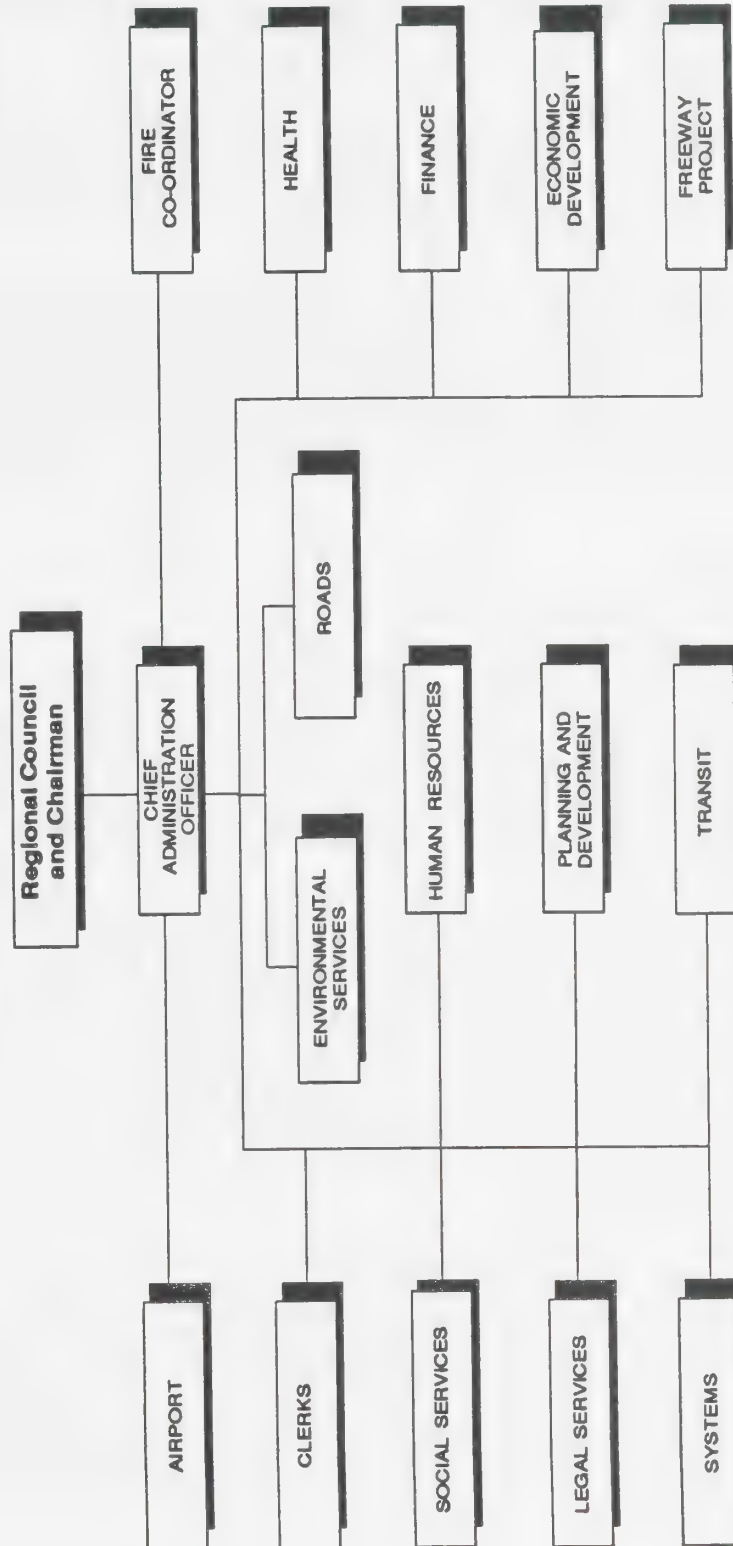


Figure 7



recruiting, negotiates collective agreements, and handles issues relating to complaints, grievances and discipline. Also provided are employee counselling services and training and development programs.

#### **Legal Services Department**

This department provides legal services and advice to all Regional departments and committees, the two Regional Transit Companies, Police Services Board, the Hamilton Region Conservation Authority and the Wentworth Library Board. The Commissioner reports to the Legislation & Reception Committee.

#### **Finance Department**

The Commissioner reports to the Finance & Personnel Committee. The Finance Department provides complete financial planning, accounting and control; and advisory services to Council and the other departments. Investment and pension fund management is also provided. An important role is provision for the protection of the Region's financial position against any loss arising from the destruction of Regional assets or loss due to liability claims. Billing for Regional services, such as water, sewer levies and waste disposal are handled by Finance. See Figure 8.

### **9.4 Front Line Services**

#### **Transportation and Environment - Environmental Services Department**

The Environmental Services Department is headed by a senior director who reports through the Commissioner of Transportation and Environment to the Engineering & Environmental Services Committee. The department is organized into five divisions: Environmental Planning, Design & Construction, Plant Operations, Sewer & Waterworks Maintenance and Solid Waste. Attached to the Environmental Services Department is the *PaRCIL* computerized geographic information system which is under development. Figure 9 shows the current organization of the Environmental Services Department.

The Environmental Services Department plans, designs, constructs, operates and maintains public works under the authority of the Region. These include water-works, sanitary sewage works and solid waste disposal systems, and the Courthouse. The Department designs Regional Roads, which are constructed and maintained by the Roads Department. Other important functions include engineering review of subdivision plans, surveying, reviewing area municipality traffic bylaws, quality control of water and sewage treatment processes, and the provision of engineering services for any other Regional department or area municipality on request. Hamilton local engineering services, that is, storm sewers, roads, electrical and legal surveys, are contracted out to the Region.

#### **Transportation and Environment - Transit Department**

The Transit Department is responsible for the operation of public transportation services in the Region, and for the administration of the Regional Road system. It is headed by a senior director and reports through the Commissioner of Transportation and Environment to the Transportation Services Committee. For transit purposes the Department operates the Hamilton Street Railway Company, which is wholly owned by the Region, to provide service within the Urban Transit Service Area. Suburban and interurban services are provided by the Canada Coach Lines Limited, which is also owned by the Region. The Department supervises the operations of the Disabled and Aged Regional Transportation System (D.A.R.T.S.). Figure 10 shows the organization of the Transit Department.

# Finance Department

FIGURE 8

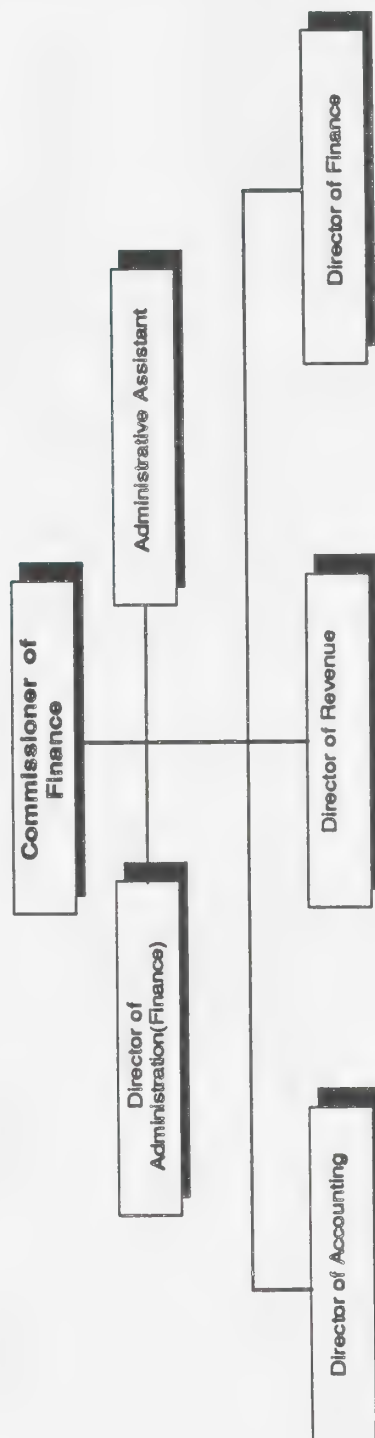


Figure 8



Department of Environmental Services: Organization Structure

FIGURE 9

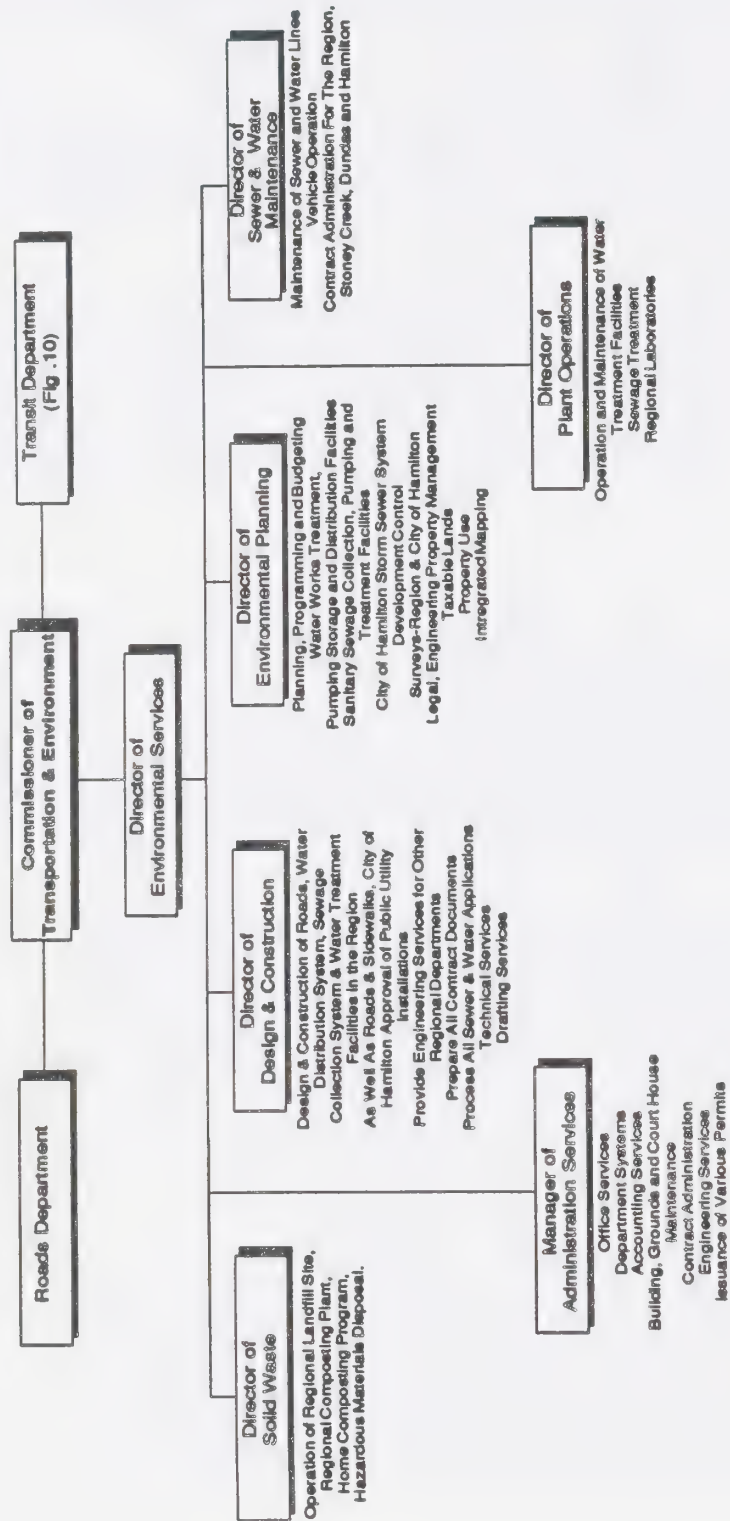
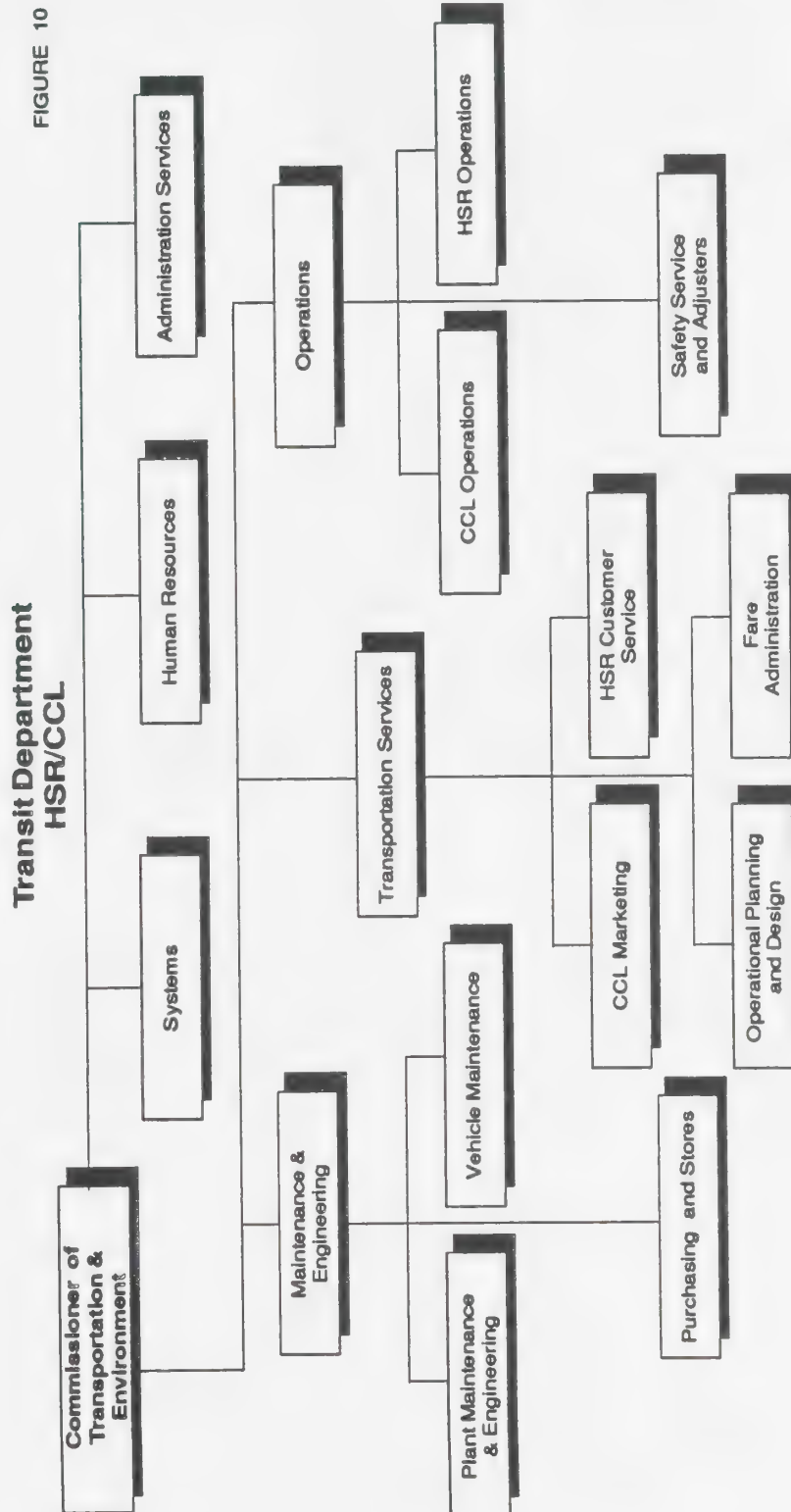


Figure 9



**Figure 10**



# Health Department

FIGURE 11

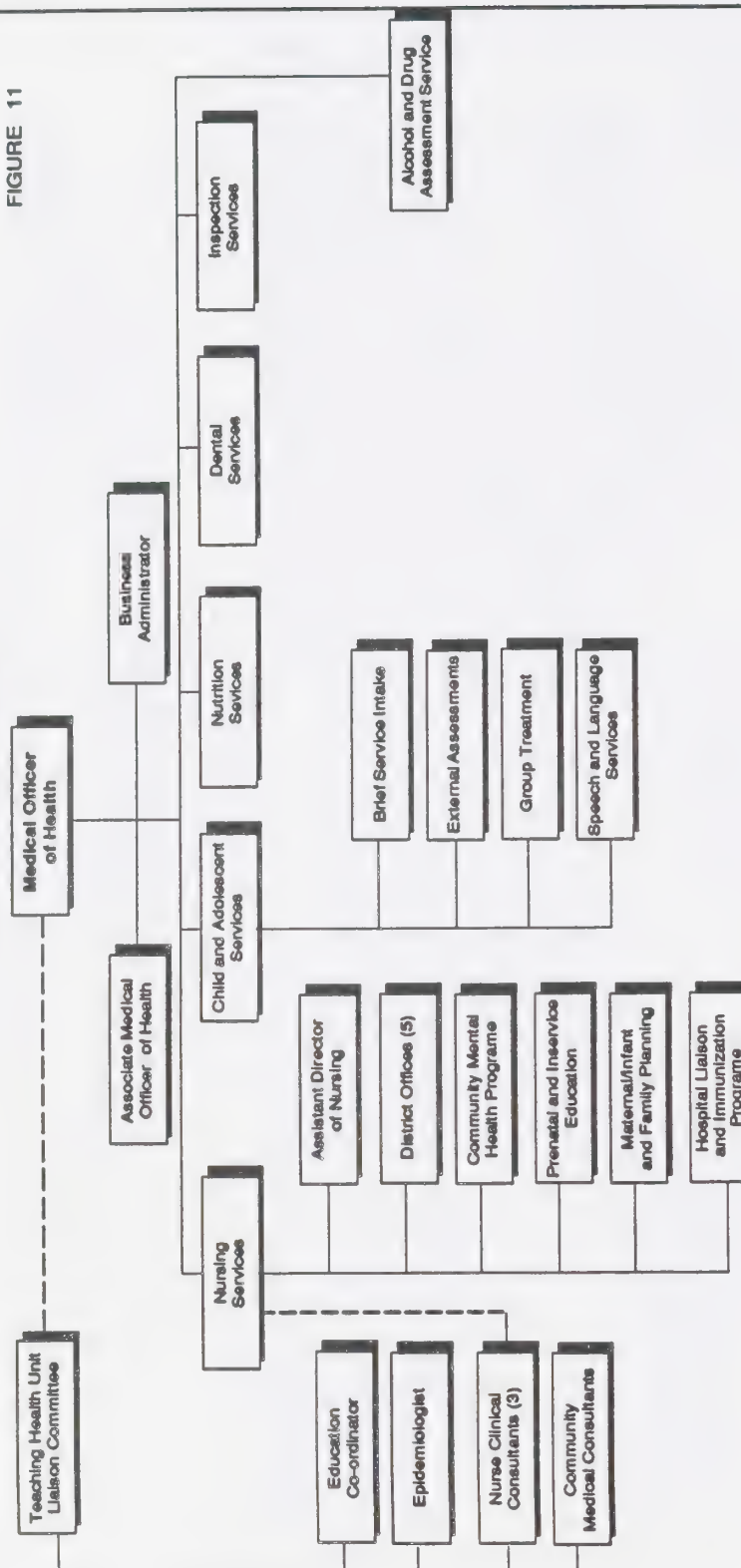


Figure 11

FIGURE 12

## Social Services Department

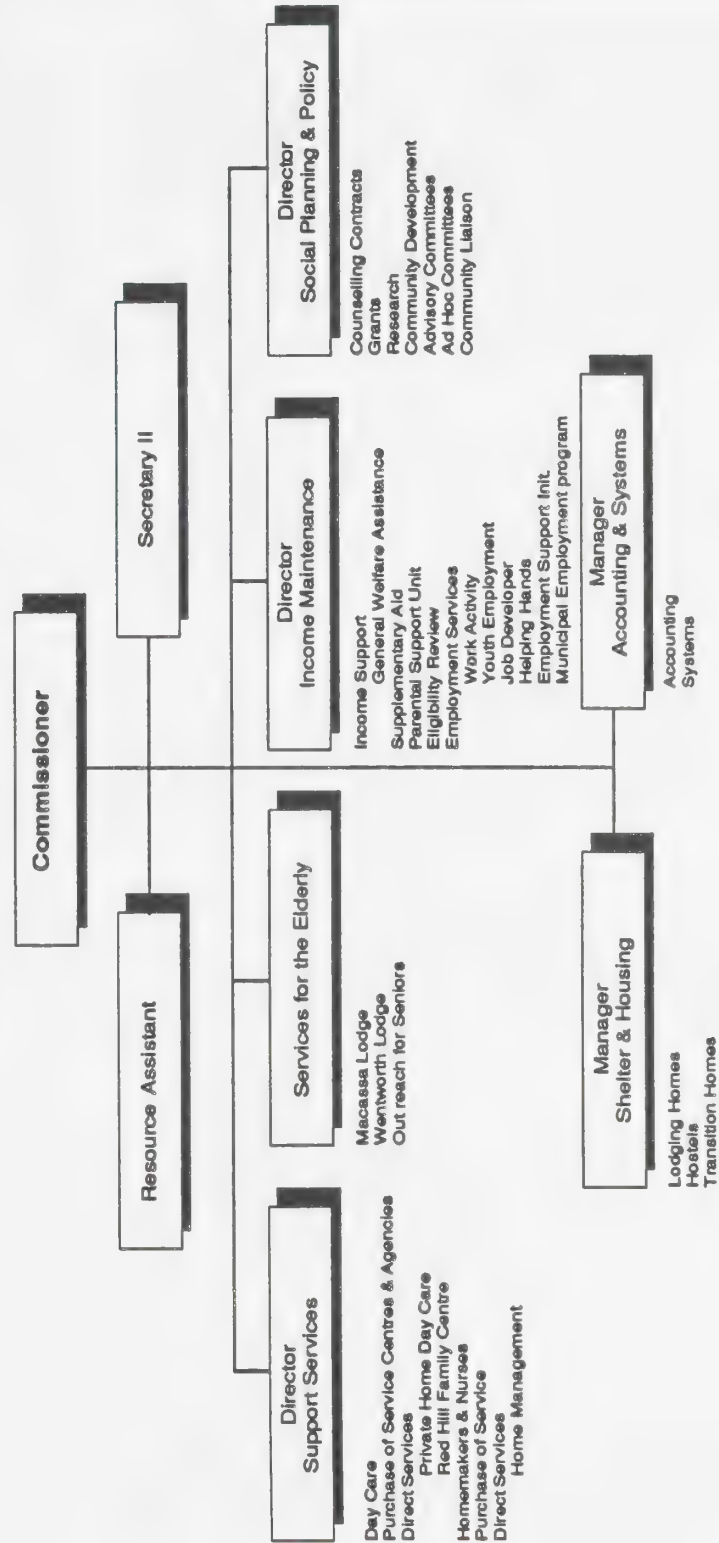


Figure 12



# Planning & Development Department

FIGURE 13

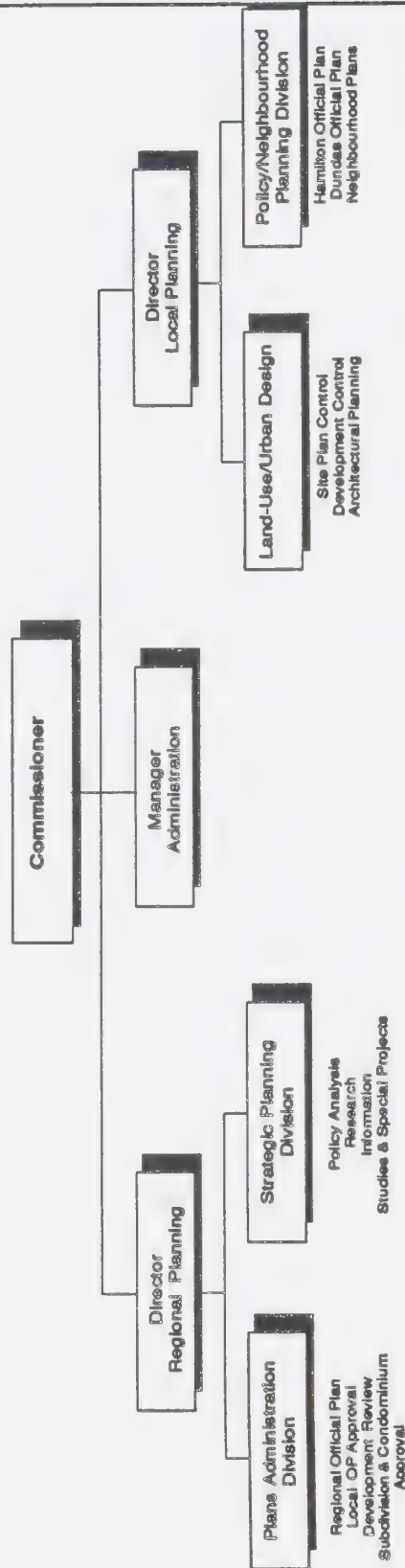


Figure 13

## **Transportation and Environment - Roads Department**

This department was recently formed from part of the former Engineering Department, the Freeway Project Office, and part of Transit Services. It is headed by a senior director and reports through the Commissioner of Transportation and Environment to the Engineering and Environmental Services Committee. The Regional Road system is constructed and maintained by the Department. Two major road maintenance projects currently underway include the Advanced Road Rehabilitation Program and the Enhanced Road Program. The Roads Department also provides maintenance, reconstruction and local improvement construction services for some of the area municipalities on a cost-recovery basis. The School Traffic Officers in the Region are organized through the Department in co-operation with the Regional Police Department, and also operate on a cost-recovery basis with each municipality. The department includes the **Freeway Project Office** which is responsible for all planning, design and construction aspects of the East/West—North/South Transportation corridor.

## **Hamilton International Airport**

A manager appointed by Regional Council manages the operations of the Hamilton Airport, which the Region assumed from the City of Hamilton in 1986. All costs of administration and operation are recovered from the federal government. At the end of 1991 the Airport Manager will report to a new Board of Management and not the Airport Committee, which will be dissolved. The Airport may also be placed in a department structure.

## **Health Services Department**

The Health Services Department is headed by the Medical Officer of Health and reports to the Health and Social Services Committee. The Department replaces the Regional Health Unit and is responsible for fulfilling all requirements of the Health Protection and Promotion Act in the Region, providing services in the areas of community health protection, control of communicable diseases, preventive dentistry, family health, home care, nutrition and public health education. The Province currently provides about 60% of the operating funds for the Department. Figure 11 shows the Health Services Department.

Some specific responsibilities are: Health Inspection, which includes examination of food and cooking premises, approval and inspection of private sewage systems and investigation of health nuisances; Nursing Services; Family Planning counseling and clinic services; Child and Adolescent Services; capital funding of the five area hospitals and grants to certain health agencies; and the Nutrition Program.

## **Social Services Department**

The Commissioner reports to the Health & Social Services Committee. The Department is responsible for providing assistance to clients under the provisions of the General Welfare Assistance Act, either directly or through referral to other agencies. This assistance can include residential services, counselling, and subsidized care. The Department also provides assistance to the aged, through home support services and through the Region's two Homes for the Aged. Day Care services in the Region are under the Department's supervision, and grants to the two Children's Aid societies are administered by Social Services. About 73% of the Department's expenditures are funded by the Province. Figure 12 shows the Social Services Department.

## **Planning and Development Department**

The Commissioner of Planning reports to the Economic Planning & Development Committee. The Department operates as two Branches. The Regional Planning Branch looks after all matters of Regional planning significance, including provincially delegated functions and administration of the Region's Official Plan. It consists of a Plans Administration Division which performs the administrative and regulatory planning functions, and a Strategic Planning Division which performs the research, analysis and vision-oriented functions required to establish future planning objectives. The Local Planning Branch provides local planning services to the City of Hamilton and the Town of Dundas, and some services for Ancaster. There is also an Administrative Division



which provides support services to both Branches. Figure 13 shows the Planning & Development Department.

### Economic Development Department

The Director of Economic Development reports to the Economic Development & Planning Committee. The Department is charged with promoting the Region as a centre for industry, commerce, tourism and conventions; providing services to the local business community; and co-ordinating and developing surveys to study land and building prices, with inventories of industrial land. The Department administers grants to groups which promote the Region's tourism, industrial and agricultural assets. To fulfill its responsibilities the Department operates through two divisions: Industrial Development, and Tourism & Conventions.

## 10.0 Regional Finances

### 10.1 Expenditures

The Regional budget is developed through a careful analysis of Council policy and decisions, and is designed to implement those policies in the most efficient manner. The budget process emphasises planning at the program level. The budget also includes performance measurements of each department to ensure that the department's available resources are being allocated efficiently and effectively to budget programs and activities. The Regional Budget is detailed in an annual publication of the Regional Finance Department.

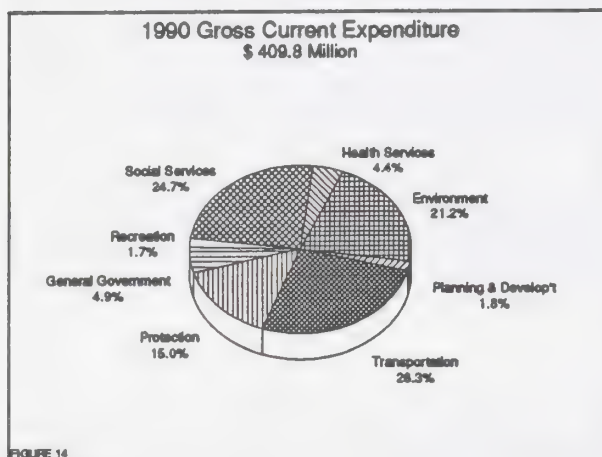


Figure 14

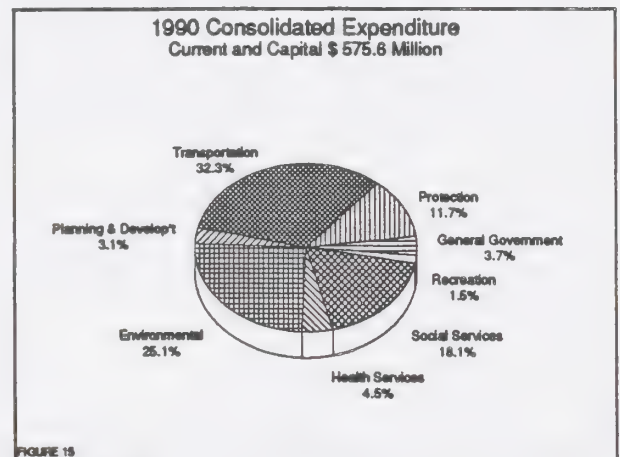


Figure 15

The budget is based on two factors: current operating costs and capital projects. These could also be described as day-to-day services and the development of non-recurring projects and "hard assets" such as a water reservoir. These factors are calculated separately for funding purposes, and are then combined to produce a "consolidated" budget. For the 1990 budget, current expenditures totalled \$409.8 Million, capital expenditures totalled \$165.8 Million, for a consolidated expenditure of \$575.6 Million. Figures 14 to 16 show the breakdown of consolidated and current expenditures for 1990, and the Five-Year Capital Forecast (1990-1994).

The Capital Forecast is developed to cover a five-year period, hence the name. Under Council policy, no new projects may be added in the first two years of the budget. Thus, the 1991-1995 Capital Budget is essentially frozen for 1990-1991, though projects may be deleted. Likewise, the 1991-1995 Capital Budget will have 1991-1992 frozen, and so on. It is also Council policy to fund

the Capital budget on a "Pay-as-you-go" basis, which means that the cost of capital projects is funded from current revenues and reserves as much as possible, to avoid long-term debt problems. As an example, the Region issued debentures worth \$60.8 Million in 1989, mostly to initiate the Accelerated Roadway Rehabilitation Program, yet capital expenditures that year were \$94.4 Million. This policy has resulted in lower carrying costs and a sound financial picture.

External factors can have a serious impact on the budget process. Interest rates, inflation and senior government policies can dramatically affect the budget. Changes in provincial legislation in 1989-1991 which shifted the cost of certain programs to the municipalities without compensating funding created an additional cost of \$5.2 Million, which had to be met from local revenues.

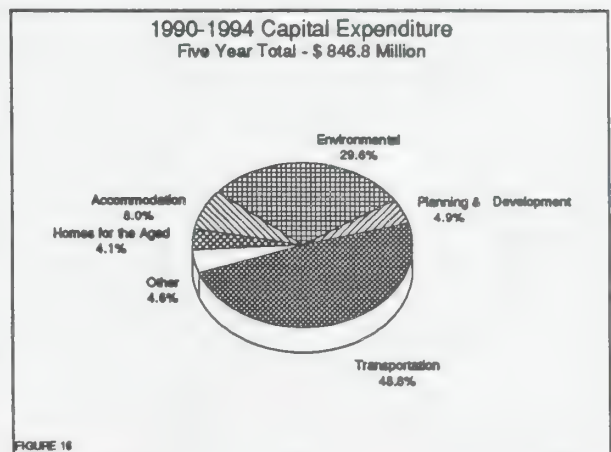


FIGURE 16  
Figure 16

The process used to develop the 1990 budget is shown in Figure 17. The term "Maintenance Budget" refers to the policy of budgeting based on the maintenance of service at existing levels. "Program Change" is any new item not in the previous year's budget. New and enhanced programs are assessed on a priority basis, in the following order:

- Health and Safety Program Changes
- Provincially Legislated Programs
- Federally Legislated Programs
- Cost Reductions
- Council Directed Program Changes
- Staff Initiated Program Changes

Only Regional Council has the power to add new items to the Budget, and this is only done if the new project cannot be accommodated through existing programs.

## 10.2 Revenues

The Region receives its current revenues from three sources: property taxes, user fees and operating grants from the Province, with roughly one-third coming from each. See Figure 18.

The General Levy is made against all of the municipalities based on their proportionate share of the total assessment of the Region. The area municipality is then responsible for collecting that amount and remitting it to the Region. Special levies are also made for Regional services provided to certain areas of the Region:

- Storm Sewer Levy (Hamilton)
- Transit Service Area Levy (Hamilton)
- Library Levy (all except Hamilton and Dundas)

User Fees are collected for Regional services provided on an individual customer basis, such as water and sanitary sewer rates, transit fares, development charges, and solid waste tipping fees. Water and Sewer rates are charged on an ongoing basis to all who receive those services, while the others are paid by individuals at the time of service. The water and sewage systems are self-financing, in that the rates are set to cover all costs of operating and expanding the system.



1990 Budgetary Cycle

FIGURE 17

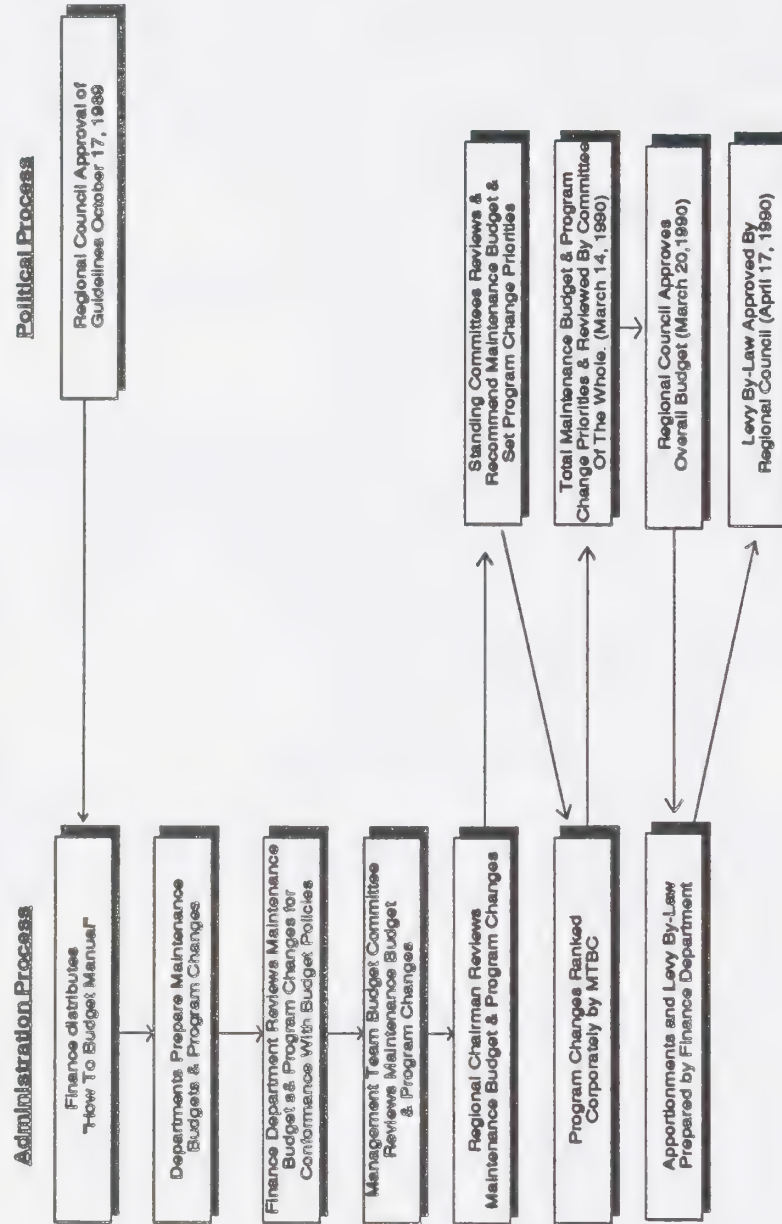


Figure 17

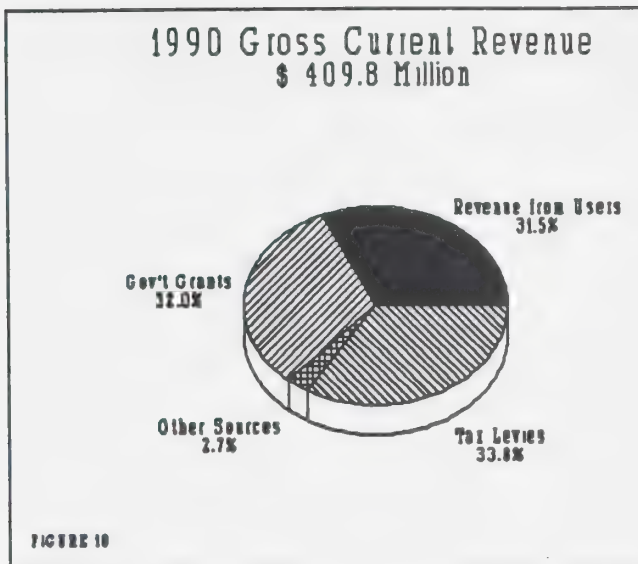


Figure 18

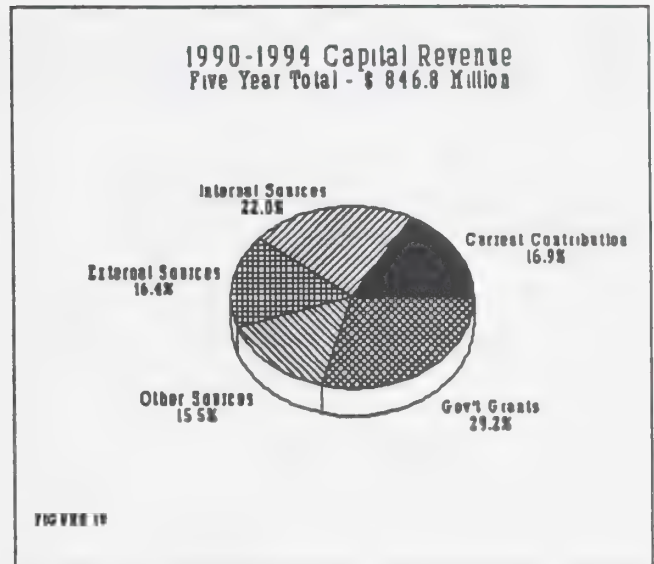


Figure 19

Provincial Grants are either unconditional, which can be used for any purpose, or conditional, which must be applied to specific projects or programs. The grants represent the Region's share of provincial taxes collected for the benefit of the citizens of the Province, and are based on the

number of households, assessment and other levies. There are also some small federal grants which are based on specific current expenditures.

Capital funding can come from current funds; "external" sources such as issuing debentures or borrowing on the open market; and "internal" sources such as borrowing from reserves, the proceeds of land sales, or special projects charges. See Figures 19 to 21.

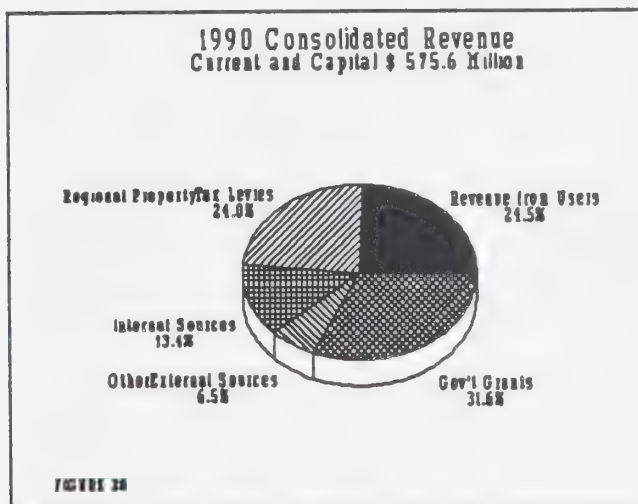


Figure 20

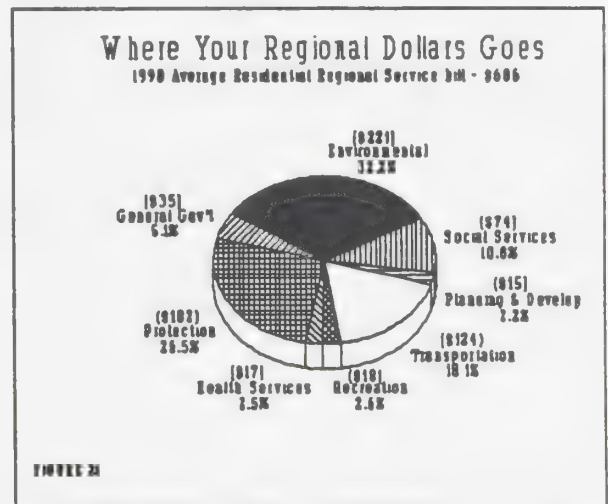


Figure 21

The Region has the power to issue debentures for itself and for the area municipalities. No area municipality may issue debentures on its own. There are very strict provincial regulations concerning the amount money that can be borrowed by any municipality. The prospect of a city going bankrupt as happened to Hamilton in 1860 is now remote. The establishment of reserve



funds allows the municipality to save money against unforeseen expenses. The reserves are invested to gain additional income. When funds are borrowed from the reserves, the Region actually charges itself interest to maintain a suitable rate of return.

## **11.0 Delegation of Provincial Authority**

The Province has delegated to the Regional Municipality of Hamilton-Wentworth the power to act on its behalf in a number of specific legislative areas. In these areas the local municipality now seeks the approval of the Region instead of the Province. The Region itself must still seek Ministry approval for its own actions. As an example, a Flamborough Official Plan Amendment, once adopted by the Town, must be sent to the Region for approval by Regional Council, which has that authority by delegation from the Ministry of Municipal Affairs. Regional Council is, in effect, acting on behalf of the Minister, and must ensure that all matters of provincial interest and concern are addressed, and that the requirements of the applicable provincial legislation (in this case the Planning Act) are met. A Regional Official Plan Amendment, since it affects the Region itself, must still be sent to the Minister of Municipal Affairs for approval.

Regional Council may in turn, with the approval of the Ministry, further delegate any authority to an officer of the corporation, instead of having it dealt with by Council. For example, the approval of plans of subdivision and condominium was delegated by the province to Regional Council, which in turn has delegated it to the Commissioner of Planning. The Commissioner can approve subdivisions and condominiums without reference to Council, but may also choose to refer to Council any plan which he feels would best be dealt with by the political representatives. At this time, the following powers have been delegated to the Region:

- Approval of Area Municipality Official Plan Amendments
  - Approval of Plans of Subdivision and Condominium\*
  - Court of Revision
  - Review of development along certain Provincial Highways\*
- \* subdelegated to an officer of the corporation.

In most cases, Regional staff dealing with these matters are performing in two capacities: carrying out the policies of Regional Council and acting as representatives of a provincial Ministry. Great care must be taken to ensure that both functions are performed without conflict.

Some Regional departments also act as agents of provincial authorities, representing the Province at the local level. The Social Services and Health Departments are funded mainly by the Province, and in the performance of their functions must enact the policies and procedures of the Ministries of Health and Community & Social Services. The Engineering Department acts as an agent of the Ministry of Transportation in the review of development along certain parts of provincial highways in the urban areas.

## **12.0 Jurisdictional Relationships**

The division of powers and responsibilities between the Province, Region and local municipalities leaves open the possibility of duplication of functions or jurisdictional gaps.

The legislation establishing the Region with exclusive authority in certain areas and the ability of the Province to delegate powers are designed to minimize the instances of overlap in jurisdiction. If the Region has exclusive right to operate water and sanitary sewage systems, then there is no opportunity for a duplication of systems. It is in those areas in which the Region does not have exclusive powers that the potential for parallel systems exists.

Table II on page 13 shows that the local municipalities may organize their own fire protection services. There is nothing to prevent the Region from organizing a fire service on its own, but common sense dictates that it would be rather pointless to have two parallel and, in effect, competing systems. The Regional Fire Co-ordinator (the Hamilton Fire Chief) co-ordinates activities between the local departments. There are arrangements for joint training, and boundary area response agreements have been set up to avoid a situation where a fire company watches a house just on the other side of the boundary burn down. The possibility has been left open for a Regional Fire Service organized like the county fire departments created in some large American urban centres, which would absorb the local departments in the same way that the Regional Police Force was created.

In other areas however, there can be and are local and Regional departments performing the same function, albeit on different levels. There are both Regional and local departments of city/town clerk, legal services, engineering, planning, finance, personnel, purchasing, roads and traffic services. Many of these are required by the Municipal Act, and even though their areas of jurisdiction do not actually overlap, it is still a case of two separate bodies doing the same kind of job. As an example, because the Region is responsible for sanitary sewers and an area municipality is responsible for storm sewers, there are two bodies looking after what the public would consider to be a single area of operations, requiring both a local and Regional engineering department. However, since sanitary sewers require pumping stations and treatment plants while storm sewers are usually just directed to the nearest watercourse, the cost and scale of operation of the sanitary sewer system is best taken care of by the organization with the larger mandate, which can then provide the services to the whole area without regard to political boundaries. This was the rationale behind the establishment of most of the Regional responsibilities. In addition, the storm water projects must come under the review of the Conservation Authorities, so there are already ultra-municipal agencies involved. Basically, Regional areas of responsibility can be defined as those legislated by the Province or matters which affect more than one area municipality.

At the time the Region was established there was considerable discussion over the relative benefits of a single- or two-tiered organization. Hamilton consistently backed a single-tier structure, which tended to be seen by the other municipalities as an effort to create a "super Hamilton" at the expense of their own identities. Hamilton had a strong case, however, when consideration was given to the vast majority of urban services and problems concentrated in the city (*Weaver*). Since the Region would have to deal with these in some way, it would result in both the city and Region maintaining organizations to do so. If the Region assumed those functions, it would eliminate the need for separate city organizations. This was the reason for Hamilton merging its Engineering and Planning Departments into the Region's. This process has continued with Hamilton's Airport, Transit, Systems and Personnel sections all being merged into Regional departments, and the Region's Purchasing Department merging with the city's. Future plans call for merging the legal and traffic/roads services as well. The large proportion of combined sewers in Hamilton led to the Region assuming responsibility for the city's storm sewer system, for which a special levy is made. Hamilton has thus consolidated its administrative structure into that of the Region to a great degree, yet there still remains a distinct political division between City and Region.

The other five municipalities are far less integrated into the regional system. Apart from the Planning function in Dundas and Glanbrook, each municipality has a full range of departments and divisions to handle areas of local responsibility for which there are also departments at the Regional level. Each municipality is perfectly within its rights to establish these functions and, as mentioned, are actually required to have some of them under legislation. Efforts to minimize the effects of this duplication have been made in the form of numerous inter-municipality agreements and service contracts. As an example, the Region provides local planning services for Hamilton, Dundas and Ancaster, while Glanbrook contracts with private consultants. Some municipalities maintain the Regional Roads inside their boundaries. Vehicles are pooled between Hamilton and the Region.



Unless there is a major change in the political and/or administrative form of local government, this duplication will continue. The principle objection to the system is that there are seven municipal bodies and seven administrative staffs. A major problem is that the local municipal councils frequently tend to act much like the special purpose bodies described earlier, concerned only with the matters of local interest, and without regard to the impact on the Region as a whole. A local council may, for example, increase spending on parks and recreation because that is their responsibility and they no longer have to worry about paying for sewers and watermains. The local taxpayer however, still has to pay for both. The Stewart Commission recommended in 1978 that the entire region be reorganized as a single municipality: the City of Wentworth. This quite rational and efficiency promoting recommendation was quickly abandoned as a result of protests from citizens and politicians, in many cases the same people who had complained about the perceived inefficiencies and duplications of the Regional system.

## **13.0 Conclusion**

Regional Government was developed as a solution to growth and development outstripping the ability of the older local governmental systems to deal with the consequences. One of the most difficult aspects has been in reconciling local concerns with area-wide interests. There are numerous instances in North American development where clusters of small inefficient urban units spend most of their resources competing and squabbling with each other. They lack a cohesion and sense of common purpose. The Regional Municipality of Hamilton–Wentworth was established to lend cohesion and focus on a common purpose: creating a better place to live for all citizens.

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